

HAR

8

COMMITTEE REPORT
HOUSE

4/27

(7)

FURTHER: *Reels*

3/29/85

Date: Apr 17 1985

The Committee on LABOR & COMMERCE has had HR 8
Relating to establishment of a sister state relationship with Taiwan.

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signature]

[Handwritten signature]
CHAIRMAN

To: Mike
From: Roger

Friday, April 19, 85

HR 8: Check my memo for some of the problems here. I don't think it will be too much of a problem. Certainly, there is a civil rights issue raised by Amnesty International, but the other side is that this issue wasn't raised when we adopted a sister-state relation with the province in Red China that we now have--simply because Amnesty International to my knowledge isn't allowed in Red China and so they have no documentation on civil rights violations the way they have on Taiwan.

This resolution really tries to stay away from civil rights issues, military and defense issues (which were in the resolution last year), and political issues, and focuses on the commercial and economic aspects alone. As such, it should not cause real problems.

While the best resolution would have been a joint resolution approved by both the House and Senate and signed by the Governor, it may work to our advantage, according to Nick Coti, who will be here from the Office of International Trade along with Don Dickson, since the Office of International Trade can say to the Taiwanese that the Alaska House, the Senate, and the Governor independently took the same kind of action on your behalf, which makes it more meaningful, etc.

It may just be they were not locatable, but the people that did not sign on include: Collins, Davis, Furnace, Goll, and Pignalberi.

HR 8 FILE CONTENTS

April 15, 1985 Monday

- 1) Bill Summary -- Legislative Reporting Service
- 2) Overview -- R. Poppe, Committee Staff
- 3) Overview Statement -- Rep. Ringstad
- 4) Letter from Coordination Council for North American Affairs to Senator Ziegler, March 2, 1985
- 5) Additional Background Material on Taiwan -- Supplied by sponsor
- 6) Informal communique, Bruce Grey, U.S. State Department, April 15
- 7) Selected Case Materials -- 1984 Amnesty International Report

April 19, 1985 Friday

- 8) "Alaska-Taiwan Trade Potential," --booklet by Office of International Trade,DCED, April, 1984

INTRODUCTION OF RESOLUTIONS (House) (cont'd)

HJR 30 (cont'd)

date of a repeal by Congress of the provisions of the Alaska Statehood Act that require the State to reserve the minerals in lands received from the United States on their grant or sale, whichever occurs later.

Introduced March 29 and referred to Resources, Judiciary.

Committee Referrals & Action
(Unif. Rule change)

HOUSE CONCURRENT RESOLUTION NO. 22, by Reps. Marrou and Jenkins. Seeks to amend the Uniform Rules in order that a committee must hear a bill or resolution and report it from committee within 20 days following a written request from the prime sponsor. If the bill has not been heard and reported from committee within this time the bill automatically is referred to the next committee, or to Rules for placement on the calendar. Also amends Rule 24 so that a bill could not be referred to more than three committees.

Introduced March 25 and referred to Judiciary.

Unorganized Boroughs
(House & Sen. committee)

HOUSE CONCURRENT RESOLUTION NO. 23, by Reps. Marrou and Jenkins. Would establish a Joint House and Senate committee on unorganized boroughs to study the unorganized area for the purpose of selecting proposed boundaries that conform with constitutional requirements.

Introduced March 25 and referred to Community & Regional Affairs.

FY '86 Budget Policies

HOUSE CONCURRENT RESOLUTION NO. 24, by Rep. Marrou. Requests the Governor to implement policies during fiscal year 1986 so that the Governor would request no increases to the operating budget, would not propose or initiate new programs, the state would not hire new or replacement personnel, except to replace Troopers, emergency care personnel and judges; and that the number of state departments be reduced from 15 to 9

Introduced March 29 and referred to State Affairs, Judiciary, Finance.

Taiwan Sister State Relation
(establishing)

HOUSE RESOLUTION NO. 8, by Reps. Ringstad, Adams, Binkley, Boucher, Cato, Clocksin, Cotten, Duncan, Frank, Fuller, Grubberg, Hawley, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Martin, M. M. Miller, M. W. Miller, Navarre, Pearce, Pettyjohn, Phillips, Pourchot, Rieger, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis and Grussendorf. Resolves in the sense of the Alaska House of Representatives that an invitation from the people of Taiwan through their Provincial Legislature to be a sister state with the State of Alaska, with strong social, educational, economic, and cultural exchange programs would be well received. Also resolves that it is the sense of the House that the people of Alaska and Taiwan should work closely together to improve international goodwill and understanding.

Introduced March 29 and referred to Labor & Commerce.

M E M O R A N D U M

To: All Members, House Labor and Commerce Committee

From: Roger Poppe, Committee Aide

Date: April 15, 1985

Subject: Overvi , HR 8, Sister State Relationship with Taiwan

On April 15, 1985, the House Labor and Commerce Committee met in Room 102 of the Capititol Bldg. on HR 8 at 1:15 pm.

Labor and Commerce is the only Committee of referral for this resolution in the House before it goes to the floor for a vote, and it does not require approval by the other house or the signature of the Governor.

Last year, this resolution was submitted as SJR 23, by Senator Ziegler by request; it was referred to Senate State Affairs Committee. Where it died. A House version, HJR 42 by Hayes, passed the House on a 20-10 reconsideration vote with various amendments to remove the inflammatory language (including references to Taiwan as the Republic of China and to the defense permitters in the Pacific), but it died in Senate State Affairs.

This year, in addition to the House Resolution before us, there is an identical companion piece, SR 3, by Ziegler, which passed the Senate on a 20-0 vote on March 27, 1985. Because of the failure to get a joint resolution through both houses last year, each house submitted its own separate resolution on the subject. If this bill is to have the intended impact, it might be worth considering whether we shouldnt resubmit a joint resolution, which is the most formal type of resolution, so that it can have in addition the signature of the Governor.

There are many complex problems to consider with this resolution, and they should not be treated lightly. The Committee has asked representatives from the Office of International Trade in the Dept. of Commerce to be available for questions in this politically and economically sensitive area. Among the issues to consider are:

First, the U.S. State Department has an official position of non-interference with the States on this matter. In actuality, they are concerned with any resolutions that might upset the delicate negotiations that are constantly going on between our federal government and the governments of Taiwan and the People's Republic of China. This is complicated further by the fact that all matters of policy in this area are so delicate that they are currently not even being handled by the State Department but by the National Security Council.

Conversation with Bruce Grey, Deputy Director, Taiwan Coordination Staff, U S. State Dept., established the following: 1) the People's Republic of China would look at any reference to a resolution containing language referring to Taiwan as the Republic of China as inflammatory (this reference was removed last year, as a result, and is not in the current bill). If a wrong step is taken here, it could create a legacy of bitterness that would make it harder for the state of Alaska or the US to continue having good political or economic relations with mainland China for a long time. 2) You might want to establish whether the people of Taiwan would find the current language acceptable as it is phrased (this appears to have been done, according to the letter sent from Y.C. Chen to Senator Bennett on March 2, 85. 3) While we might construe this resolution to be nothing more than a statement of economic and commercial goodwill and fellowship, like a Christmas card; to the Taiwanese it is also a very definitive political action for them, expressing in part their on-going concern that they might be swallowed up by mainland China both politically and commercially. 4) There have been a lot of trade delegations, etc. from Taiwan in the past few years that have lobbied very hard among the states and in other countries to get any kind of recognition that they can. AT times, they have been over-zealous to the point of trying to dictate how they want the resolution to read, in their efforts to gain as widespread political and economic recognition as possible. They have a great fear that mainland China will absorb them both economically and politically, at the rate things are going. Currently, there are 22 states that have some form of resolution dealing with this issue; and the states of Washington, Connecticut, Michigan, and Missouri are also currently considering resolutions, along with Alaska.

A second major area of concern is that of the civil rights violations that have been occurring in the area. Amnesty International has been quite concerned about the numerous civil rights violations in Taiwan, and a great deal of backup material has been put in your file dealing with these issues and concerns. Also included is a white paper on the US State Departments' concerns about human rights in Taiwan. This material points out that martial law has been in force in Taiwan since 1949, and lists the cases of detention of prisoners of conscience, unfair trials of political prisoners, reports of torture during interrogation, political killings, disappearances, cruel and inhuman punishment, arbitrary arrest, denial of fair trial, arbitrary interference with privacy and correspondence, limitations on freedom of speech, press and religion, peaceful assembly, freedom of movement, and the like. Related to these concerns is whether the government of Taiwan truly represents the feelings of the people of Taiwan.

A third major area has to do with the fact that we are already engaging in a great deal of trade with Taiwan as a state. Senator Murkowski has been on several trade missions there recently, and since it is a Pacific Rim country with a lot of needs for the natural resources that Alaska can supply (such as timber, oil, gas, etc.) they are a very good market for us to develop even further. It would be appropriate and proper to encourage further trade and commerce through the establishing

of a sister-state relationship with Taiwan, as long as it 1) didn't go beyond that and make any political statement that the People's Republic of China would find offensive (such as referring to Taiwan as the Republic of China), and 2) as long as we didn't risk losing our trade relations and good feelings with the Peoples Republic, and in particular, our newly established relationship as a sister-province relation with the Heilongjiang province of the PRC. The Office of International Trade, Department of Commerce, feels that this can be done, and be available to respond to questions or concerns that the Committee may have; they are supportive of the resolution.

Finally, related to the above concerns are some very specific problems that have been encountered by states and cities in the US who have adopted friendly relations with both Taiwan and the People's Republic of China without realizing totally the implications of what they are doing. As a result of conversation with Bruce Grey of the State Department, an informal communique was sent from Mr. Grey to Committee Aide Roger Poppe via telex. His response goes into some of the concerns mentioned above, and is found in your file under # 6. For example, one "state accepted an invitation to visit Taiwan immediately after state officials had hosted officials of a province of the People's Republic of China; this evnoked a strong PRC reaction and resulted in cutting short the development of exchange visits and the like,." It is precisely this sort of thing we must be careful to avoid if Alaskans are to establish and maintain harmonious relations with both Chinas.

Alaska State Legislature

Representative John Ringstad
District 20-B
P O Box 1848
Fairbanks, Alaska 99707
(907) 456-8336



Wm. J. Beau
Pou. V
Juneau, Alaska 99811
(907) 465-4998

House of Representatives

Establishing a Sister State Relationship with Taiwan is an important signal we, as Alaskans, can give to the Taiwanese.

In an effort to build a strong, mutually beneficial relationship between Alaska and Taiwan, a Sister State relationship promotes goodwill and furthers Alaska's primary goal of economic diversification.

Recently, there has been a good deal of discussion regarding the U.S. trade deficit. Alaska has the potential to correct this imbalance, and Taiwan is eager to work with us. The Taiwanese government has shown its sincere concern for several years now by voluntarily pursuing a "Buy-American" policy.

The Alaska State Senate, on March 20, 1985, passed companion legislation, SR 3. Others that have established sister-state relationships with Taiwan are Minnesota, Colorado, Los Angeles, and San Francisco.



COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

OFFICE IN SEATTLE

24TH FLOOR, WESTIN BUILDING
2001 SIXTH AVENUE
SEATTLE, WASHINGTON 98121

TEL. (206) 682-4586 OR 682-4967

March 2, 1985

The Honorable Robert H. Ziegler
Senator
Pouch V, State Capitol Building
Juneau, Alaska 99811

Dear Senator Ziegler:

It was a great pleasure to talk with you over the phone a few days ago. Our conversation gave me a sense of nostalgia and recollection of my pleasant visit to Juneau early May 1983, which provided me with the opportunity of making acquaintance with your goodself, Governor Sheffield, Lt. Governor McAlpine, Senator Bennett, Senator Kerttula, Senator Faiks, Representative Hayes, Senator Vic Fischer, Senator Paul Fischer, Senator Ray, Senator Sackett, Senator Fahrenkant, Representative Adams and many others in the state legislature and government. I shall always be grateful for what you have done, during my last trip, for me and, in particular, for the promotion of a better substantive relations between your great state and Taiwan, the Republic of China.

Speaking of the promotion of substantive relations, almost two years ago, your House of Representatives did adopt a resolution calling for the establishment of a sister state affiliation between your state and Taiwan, however, unfortunately and unexpectedly, the resolution was shelved in the Senate's State Affairs Committee without having an opportunity to go to the full session for a possible passage.


During the past two years, your great state and my country have exchanged visits of several trade missions envisaging a bright prospect in the future. Among the missions were your great Senator Murkowski and many other business, civic leaders. In view of Alaska's geographic propinquity to the Far East and its bountiful natural resources in mines, timbers, fisheries etc., the Republic of China on Taiwan, being the fifth largest trading partner with the United States, is greatly interested in increasing its trade with Alaska. Needless to say that the establishment of sister state relations between Taiwan and Alaska will surely enhance mutual benefits.

I am aware that your state, in early last February, concluded a sister state relationship with the Province of Heilongjiang of Communist China, but I believe that this situation will not in any way damp our mutual interest in bringing our two sides into sisterhood. In spite of the absence of the formal diplomatic ties between the United States and the Republic of China since 1979, the Taiwan Relation Act (Public Law 96-8-Apr. 10, 1979) has stressed the continuation of commercial, cultural and other relations between the people of the United States and the people on Taiwan and your Federal government has reiterated its determination to carry out the Taiwan Relations Act. Based on that understanding, the adoption of a people-to-people program (sister state or sister city), which was originated by President Eisenhower in 1950's, with the R.O.C. on Taiwan, a faithful friend and valuable trade partner, will not run afoul of U.S. foreign policy. I wish to point out that there are states and cities having sister affiliation with both Mainland China and R.O.C. on Taiwan, such as: Minnesota with Taiwan and also with Shensi, Mainland China, Colorado with Taiwan, also with Hunan, Mainland China, Los Angeles with Taipei, also with Canton, Mainland China, and San Francisco with Taipei, also with Shanghai, Mainland China.

Enclosed herewith please find a copy of the Resolution passed by the House of Representatives, Alaska, on May 23, 1983, for your reference. It is sincerely hoped that you will be so kind as to consult with Senate President Bennett and your other colleagues on the possibility of re-introducing the Resolution into the Senate at the current session. If the situation over there demands me to make a second trip to your great state, please kindly let me know. I will certainly be glad to meet all of you again in Juneau.

Looking forward to hearing from you soon.

Sincerely,



Y. C. Chen
Director

Enclosure
YCC-TYY/11
CC: Senator Don Bennett

The Current Situation of Taiwan, the Republic of China,
and its Relations with the United States.

By Mr. Y.C. Chen, Director, Coordination Council
for North American Affairs, Office in Seattle.

I The Strategic Position of Taiwan, R.O.C.

Taiwan, meaning "Terraced Bay", formerly known to Westerners as 'Formosa', is a lush island in the Western Pacific, approximately 100 miles east of the China coast. Shaped like a tobacco leaf, it is separated from Fukien Province on the Chinese mainland by the Taiwan Straits, whose width is from 90 to 120 miles, almost the same distance as between the state of Florida and the island of Cuba.

Taiwan is not just one island, but several. Its area, including Penghu Island (the Pescadores) and other islets, is 13,851 square miles, a little larger than Holland, or about the size of Massachusetts and Connecticut combined. Roughly 76 percent of Taiwan is mountainous, rising to 13,000 feet, leaving only 24 percent or about 2.2 million acres of land suitable for farming. Its climate is semitropical with plenty of rainfall and sunshine, almost like that of the state of Georgia. Its population is 18 million plus.

Located between Japan and the Philippines, Taiwan holds a vital position in the defense of the Pacific Basin. Remove the Taiwan connection and you may open a floodgate that would prove disastrous to the Pacific defense line of the free world. Taiwan was used by the Japanese in World War II as a base for attack on the Philippines and their further advance in Southeast Asia. Indeed, the geographical position of Taiwan prompted General Douglas MacArthur to say: "Formosa, in the hands of hostile power, could be compared to an unsinkable aircraft carrier and submarine tender ideally located to accomplish offensive strategy and at the same time checkmate defensive or counter-offensive operations by friendly forces based on Okinawa or in the Philippines". Facing a constant threat from Communist China, it is imperative that the Republic of China obtain the necessary military arms from the U.S. to beef up its defensive capabilities, as is stipulated in the "Taiwan Relations Act".

II The Rapid Economic Development of the R.O.C. on Taiwan.

From the economic point of view, Taiwan, which has been transformed from an agricultural onto an industrial one, is now making strides to assume its position as a technology-oriented society, and the Government will move toward the creation of an even more prosperous economy.

A string of figures shows success: industrial production up by 42 times in 30 years, agricultural production up 3 times since 1945, fishery production up 7 times since 1952.

The Republic of China is able to play a meaningful role in the international community since its foreign trade rose to U.S. \$41.087 billion, though a 6.2 percent decline from the previous year's U.S. \$43.81 was present, still ranked the Republic of China 15th in the world. It would be eighth-ranked in foreign trade if the Organization of Petroleum Exporting Countries (OPEC) were excluded from the exporters' list.

Taiwan will continue to grow in importance as a promising export market for U.S. firms and farms. The reason lies in the recent adoption of a program for 1975-85 to further expand the transportation and industrial infrastructure already broadened by the completed "Ten Major Construction Projects" program. Import of consumer goods such as food, cotton, etc., will also grow in importance as the province's increasingly prosperous 18 million-plus people reaches an estimated 24 million by the year 2000.

Since 1949, highly motivated people in Taiwan have developed Asia's highest standard of living, second only to that of Japan. Per capita annual income reached U.S. \$2,600 in 1982, and is expected to hit U.S. \$6,200 by the end of the 1980's, 10 times that of the Chinese mainland.

III R.O.C.'s Current Relations with U.S.A.

1) U.S.-R.O.C. "Officially Unofficial" relations after the severance of diplomatic ties:

For almost three quarters of a century, the Republic of China's relations with the United States have been very cordial and close. They were allies during the war.

The United States recognized the Chinese Communists and severed diplomatic relations with the Republic of China on Jan. 1, 1979. During the first two months of 1979, our two governments, through negotiations, reached an agreement on the continuation of substantial relations between the two countries.

On the R.O.C. side, the C.C.N.A.A (Coordination Council for North American Affairs) came into being, with its headquarters in Taipei. Under the C.C.N.A.A., 9 offices have been established in the United States ever since. Thus the former R.O.C. Embassy in Washington, D.C., became the C.C.N.A.A., office in the U.S., eight of the R.O.C.'s 11 former Consulates General in Atlanta, Boston, Chicago, Honolulu, Houston, Los Angeles, New York, San Francisco, and Seattle also became its Offices respectively. However, two the the R.O.C.'s former Consulates General -- in Calexico and Kansas, and another three R.O.C.'s Consulates -- in Guam, Portland, and American Samoa, were shut down.

As the U.S.'s continued presence in the Republic of China, the AIT (the American Institute in Taiwan) also came into being as a "non-profit corporation incorporated under the laws of the District of Columbia". David Dean, a veteran U.S. diplomat "on leave" assumed the post of Chairman and Managing Director of the A.I.T. An Office under the A.I.T. thus was established in Taipei to take over the functions formerly performed by the U.S. Embassy in Taipei.

These Office, according to the U.S. Department of State, are neither diplomatic nor consular, nor are they considered official in any sense by the U.S. Government. Nevertheless, whether the U.S. maintains as "officially unofficial" or the others consider it as "unofficially official", this is a unique case. As a matter of fact, historically, so far, there is no such practice or precedent in the international community which can be followed.

With such instrumentalities -- C.C.N.A.A. and A.I.T. stations in each other's countries -- despite the absence of diplomatic ties, the relations between the two countries entered into a new era. Both sides have managed to not only maintain, but also improve, the existing substantive relations. The devotion and willingness of the personnel in our two instrumentalities in support of our cause and common interests cast new light on and add hope to the new relations between the two countries in the years to come.

2) Trade and cultural relations between the U.S. and the R.O.C.

Trade between the R.O.C. on Taiwan and the U.S. increased 100 times in the past 32 years from merely 100 million in 1950 to 13.32 billion in 1982. It overtook France, becoming the 7th largest trading partner of the U.S. in the world, and the second largest trading partner of the U.S. in all of Asia.

In our rapidly expanding mutually-beneficial two-way trade, there has been in recent years an imbalance in our favor. Mindful of its effect on the overall American economic situation, my government, as you all know, has voluntarily pursued a "Buy-American" policy. So far, we have sent 7 special purchasing missions to this country to contract for various industrial and agricultural commodities. The aforementioned missions which visited many parts of the U.S. during 1978, 1979, 1980, 1981, and 1982 made purchases aggregating 37.6 billion. Some parts of the Northwest were visited up to five times by the successive missions.

It may be of special interest to Northwestern farmers that Taiwan continued to rank globally as the 10th largest market for U.S. agricultural commodities. About one and a half years ago, delegations from the U.S. and from Taiwan, R.O.C. signed in Chicago a new grain agreement, that Taiwan would purchase in the coming 5 years 17 million metric tons of U.S. agricultural products, totalling about five billion U.S. dollars.

As to Cultural and Educational exchange, close to 20,000 Chinese from the Republic of China on Taiwan and overseas areas were enrolled in American Universities during the 1982 - 1983 school year. In the past, only a few young people returned after receiving advanced degrees. Now, the number is growing steadily as job and research opportunities increase.

On the other hand, there were approximately 1,000 American students enrolled in various schools in the Republic of China in the 1982 academic year ending July 31st. Most of the 1,000 students majored in the humanities, while the others were in the Social Sciences, Medicine, Education, or Agriculture. Several American universities cooperate in a Taipei training program for their Chinese language students, and the Chinese Language Training Institute of the U.S. State Department is located in Taichung in Central Taiwan.

Tripoli (Lebanon) to
and Beirut via
Damascus and
proposals are in
Jdah (Saudi Arabia),
to Hime, Dara's
weida.
towns of Syria and
and the capitals
Turkey. Many of
retailed.
the Nairn Transport
Syria and Iraq.

Lattakia is now com-
imports and exports
till pass through the
total of 3,127 ships
tons of goods, 3,158
ods.

airport at Damascus,
ading airlines. Other
es Zor, Humeimim,
aded at Damascus
carrying 52,876 pas-

ow operating in the

m, with transmitters
levision service has

ors in Damascus, and
nd Lattakia.

005 there were 4,447
81 secondary schools
were 6,108 pupils in

ee, one at Damascus
19 students. There are
raities abroad, both in

any different sects of
rgo numbers through-

Taiwan

President—Chiang Ching-kuo.

Vice-President—Shieh Tung-min.

National Flag: On a field of crimson, a sun white in a sky blue at the upper hoist.

CONSTITUTION AND GOVERNMENT

THE Government of the Republic of China has its provisional seat in Taipei, Taiwan.

The Executive Yuan is the highest administrative organ of the country. At present the incumbents are:

Prime Minister: Sun Yun-suan.

Deputy Prime Minister: Hsu Ching-chung.

Minister of the Interior: C. H. Chiu.

Minister of Foreign Affairs: Chu Fu-Sung.

Minister of National Defence: Kao Kuei-yuan.

Minister of Finance: Philip C. C. Chang.

Minister of Education: H. S. Chu.

Minister of Justice: Y. S. Li.

Minister of Economic Affairs: K. S. Chang.

Chairman of Mongolian and Tibetan Affairs Commission:

Tsui Chui-yin.

Chairman of Overseas Chinese Affairs Commission: Mao Sung-min.

Ministers without Portfolio: Chen Chi-lu, Yu Kuo-hua, Henry Kuo, Chang Feng-hsu, Li Kwoh-ting, Walter Fei-hua, Chow Hong-tao.

Director-General of Government Information Office: James Soong.

There are three political parties now functioning in Taiwan, namely the Kuomintang (or Nationalist Party), the Young China Party (or Youth Party), and the Chinese Democratic Socialist Party. The Kuomintang holds the majority in the National Assembly, the Legislative and Control Yuans.

LOCAL GOVERNMENT

Taiwan's legislative body is the Provincial Assembly. Its 77 members hold office for four years and are eligible for reelection. The Assembly is headed by a speaker and a deputy speaker. It meets for 80 days in every six months. A special session may be called by the governor or more than one-third of the members.

The policy making body of the Taiwan Provincial Government is the Provincial Government Council, which is composed of 18 members appointed by the National Government.

County and municipal governments have councils which handle affairs within their areas.

Taipei and Kaohsiung are two special cities directly under the Executive Yuan and co-equal with Taiwan province.

LEGAL SYSTEM

The Supreme Court is the highest tribunal in the three-level court system. Parties to a civil case in which less than 500 silver dollars are involved may not appeal to the Supreme Court. It exercises appellate jurisdiction only.

The Ministry of Justice is in charge of all administrative affairs concerning judicial and penal institutions. It selects judges and oversees courts and prison administration.

There are eleven district courts, which handle civil and criminal cases of the first instance.

The Taiwan Provincial High Court is located in Taipei and there are three branches at Tainan, Taichung and Hualien. The Amoy branch court of the Fukien Provincial High Court covers the Kinmen (Quemoy) district.

AREA AND POPULATION

The island of Taiwan is 81 to 125 miles off the south China coast with an area of 13,802 square miles; or, including the Pescadores, a total of 13,964 square miles.

In December 1977, Taiwan had a population of 16,832,053 (not including foreign residents). About fifty-three per cent live in towns.

The chief cities are Taipei, the provisional capital, Taichung, Kaohsiung, Tainan, and Chihung (Keelung).

There are also two groups of islands along the mainland coast. The Kinmen (or Quemoy) islands are situated in the Amoy Bay along the coast of Fukien Province. Big Kinmen is 58 square miles in area and has a population of 57,004. To its northeast lie the 19 islands of the Matsu group, one of them being only five nautical miles from the mainland. Besides the military, there are about 11,422 people there.

CURRENCY

The New Taiwan dollar is the currency used in Taiwan. Its official rate of exchange has been pegged at a floating rate of that of the Pound Sterling or N's \$36 = U.S. \$1.00.

FINANCE

In the fiscal year 1977 Revenue totalled NT\$112,709 million, and Expenditure NT\$107,295 million.

BANKS

Central Bank of China. Reactivated July, 1961. Functions as regulator of the money market, management of foreign exchange, issue of currency and fiscal services for the government. Address: 2, Roosevelt Rd. Sec. 1, Taipei.

The International Commercial Bank of China. Foreign exchange bank with branch offices and agencies in New York, Chicago, Tokyo, Osaka, Bangkok and Panama. Address: 100 Chi Lin Road, Taipei, 104 Taiwan R.O.C.

Bank of Communications. Industrial bank specializing in financing for industry, including manufacturing, mining and transportation. Has branches in Saigra and Cholon.

Central Trust of China. Acts as government trading agency. Engaged in trust and insurance business.

Hua Nan Commercial Bank, Ltd. Established 1910. (President, H. A. Chen; Chairman, F. H. Chang.) Assets at 31 December 1980, NT\$143,840,000,166; deposits NT\$75,953,317,025. Head Office: 33, Kaifeng Street, Sec. 1, Taipei, Taiwan. Number of branches, 118.

Postal Remittances and Savings Bank. Accepts savings deposits and makes domestic transfers.

Bank of Taiwan. Largest commercial bank. Fiscal agent of Taiwan Provincial Government. Acts as Central Bank agent in issuing New Taiwan Dollar notes. The Bank has 62 branches in Taiwan.

PRODUCTION, INDUSTRY AND COMMERCE

From 1953, six four-year plans were implemented. The first three plans increased real national income by 134.0 per cent and real per capita income by 50 per cent. The annual average growth of real national income has been 8.0 per cent, and of real per capita income 5.8 per cent.

The year of 1976 was to be the third year of the sixth four-year plan. Because of drastic economic changes at home and abroad, this plan was no longer practical. A Six-Year Economic Development Plan was drawn up for implementation beginning in 1976 and ending in 1981. The target of the Republic of China's annual economic growth rate is 5.8 per cent on the average. The per capita income will be increased from the projected US\$ 700 in 1976 to US\$ 2,200 in 1981.

The annual growth rate of agriculture is set at 2.5 per cent. The annual growth in the manufacturing industry is set at 9.5 per cent on the average. Its percentage in the domestic gross national product will rise from 35 per cent in 1975 to 39 per cent in 1981.

The average annual growth rate for power is set at 8.3 per cent and the annual business operation of transportation and telecommunications will be increased by 8.0 per cent on the average.

The annual trade expansion is planned at 12.2 per cent for exports and 10.0 per cent for imports.

The rise of domestic commodity prices will be kept under five per cent.

33.7 per cent of the people in Taiwan are farmers, and up

Pipelines: 8 km refined products (nonoperating)

Civil air: 19 major transport aircraft, including 3 leased in

Airfields: 447 total, 431 usable; 19 with permanent surface runways, 2 with runways over 3,659 m, 3 with runways 2,440-3,659 m, 31 with runways 1,220-2,439 m

Telecommunications: system is one of the best in Africa; consists of radio-relay links, open-wire lines, and radiocommunication stations; principal center Salubury, secondary center Bulawayo; 214,400 telephones (2.8 per 100 popl.); 8 AM, 15 FM, and 6 TV stations

DEFENSE FORCES

Military manpower: males 15-49, 1,708,000, 1,048,000 fit for military service

Military budget: for fiscal year ending 30 June 1982, \$464.8 million; 17.2% of central government budget

TAIWAN



LAND

32,260 km² (Taiwan and Pescadores); 24% cultivated, 6% pasture, 55% forested, 15% other (urban, industrial, denuded, water area)

WATER

Limits of territorial waters (claimed): 3 nm (fishing 12 nm)

Coastline: 990 km Taiwan, 450 km offshore islands

PEOPLE

Population: 18,456,000, excluding the population of Quemoy and Matsu Islands and foreigners (July 1982), average annual growth rate 1.8%

Nationality: noun—Chinese (sing., pl.); adjective—Chinese

Ethnic divisions: 84% Taiwanese, 14% mainland Chinese, 2% aborigines

Religion: 93% mixture of Buddhist, Confucian, and Taoist; 4.5% Christian; 2.5% other

Language: Chinese Mandarin (official language); Taiwanese and Hakka dialect also used

Literacy: about 90%

Labor force: 6.51 million (1979), 21.5% primary industry (agriculture), 41.8% secondary industry (including manufacturing, mining, construction), 36.7% tertiary industry (including commerce and services), 1979, 1.3% unemployment (1979)

Organized labor: about 15% of 1978 labor force (government controlled)

GOVERNMENT

Official name: Taiwan

Type: one-party presidential regime

Capital: Taipei

Political subdivisions: 16 counties, 3 cities, 2 special municipalities (Taipei and Kaosiung)

Legal system: based on civil law system; constitution adopted 1947, amended 1960 to permit Chiang Kai-shek to be reelected, and amended 1972 to permit President to restructure certain government organs, accepts compulsory ICJ jurisdiction, with reservations

National holiday: 10 October

Branches: five independent branches (executive, legislative, judicial, plus traditional Chinese functions of examination and control), dominated by executive branch; President and Vice President elected by National Assembly

Government leader: President CHIANG Ching-kuo; Premier SUN Yun-hsuan

Suffrage: universal over age 20

Elections: national level—legislative yuan every three years but no general election held since 1948 election on mainland (partial elections for Taiwan province representatives in December 1969, 1972, 1975, and 1980); local level—provincial assembly, county and municipal executives every four years; county and municipal assemblies every four years

Political parties and leaders: Kuomintang, or National Party, led by Chairman Chiang Ching-kuo, had no real opposition; lately a loosely organized anti-Kuomintang opposition has emerged; two insignificant parties are Democratic Socialist Party and Young China Party

Voting strength (1981 provincial assembly elections): 59 seats Kuomintang, 18 seats independents; 1981 local elections, with 72% turnout of eligible voters Kuomintang received 59% of the popular vote, non-Kuomintang 41%

Other political or pressure groups: none

Member of: expelled from UN General Assembly and Security Council on 25 October 1971 and withdrew on same date from other charter-designated subsidiary organs; expelled from IMF/World Bank group April/May 1980, member of ADB and seeking to join GATT and/or MFA; attempting to retain membership in ICAC, ISO, INTELSAT, IWC-International Wheat Council, PCA; suspended from IAEA in 1972 but still allows IAEA controls over extensive atomic development

ECONOMY

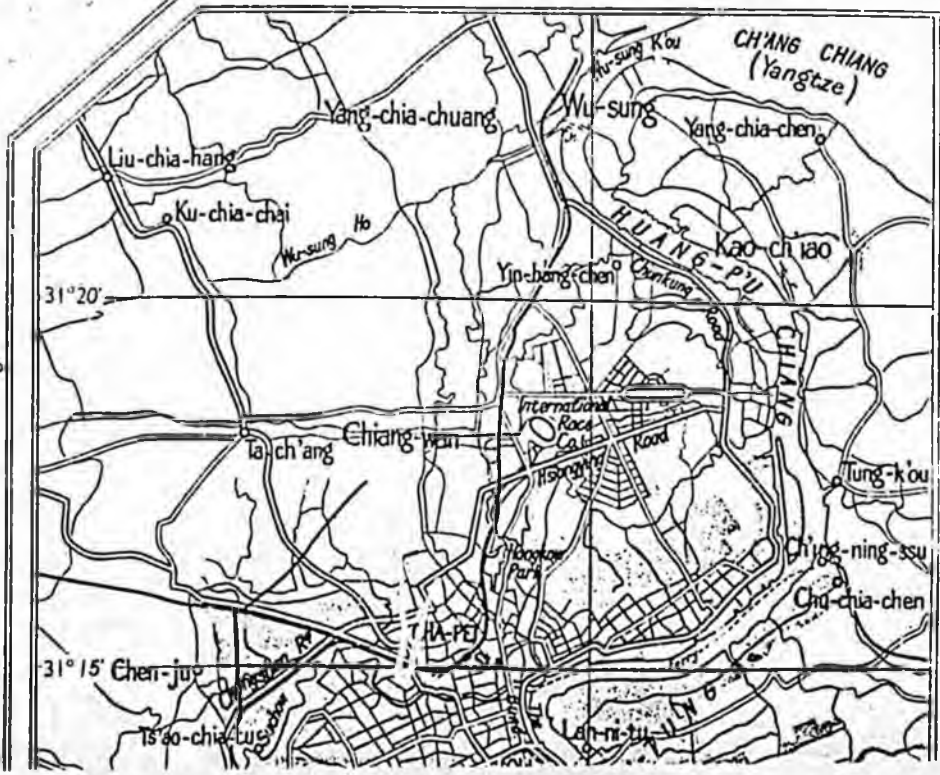
GNP: \$32.2 billion (1979, in 1979 prices), \$1,830 per capita; real growth, 8% (1979)

Agriculture: most arable land intensely farmed—60% cultivated land under irrigation; main crops—rice, sweet potatoes, sugarcane, bananas, pineapples, citrus fruits; food shortages—wheat, corn, soybeans

Fishing: catch 854,764 metric tons (1977)

Major industries: textiles, clothing, chemicals, plywood, electronics, sugar milling, food processing, cement, shipbuilding

Electric power: 9,147,000 kW capacity (1980); 41.0 billion kWh produced (1980); 2,280 kWh per capita



5
26
6
24
7
22
8
9

A

#6) BRUCE GREY - COMMUNIQUE

I am replying to your telephone inquiry into United States policy concerning Taiwan. You requested information on terminology used to refer to Taiwan in resolutions establishing sister state relations with Taiwan.

Under our system the federal government cannot direct state and local governments to adopt particular terminology when the latter wish to enter into sisterhood relations with Taiwan. However, U.S. policy is clear: We refer to Taiwan simply as "Taiwan," not as the "Republic of China" or "ROC." This has been our policy since 1979, when the U.S. recognized the PRC as the sole legal government of China. Under the Taiwan Relations Act of 1979, we are committed to maintaining, through the American Institute in Taiwan (AIT), a broad range of unofficial cultural, economic and other relations with the people of Taiwan. However, these unofficial relations may not include acknowledgement of the claim made by the authorities in Taipei to be the government of China, a claim expressed by the terms "Republic of China" and "ROC".

We urge state and local governments contemplating sister state or city relations with Taiwan to follow U.S. policy. This includes referring to Taiwan in sisterhood resolutions simply as "Taiwan." This is important to us because it enables us to point to consistent adherence to stated policy when we receive criticism from the PRC. It is important to the states and localities because it saves them much effort, confusion, and funds.

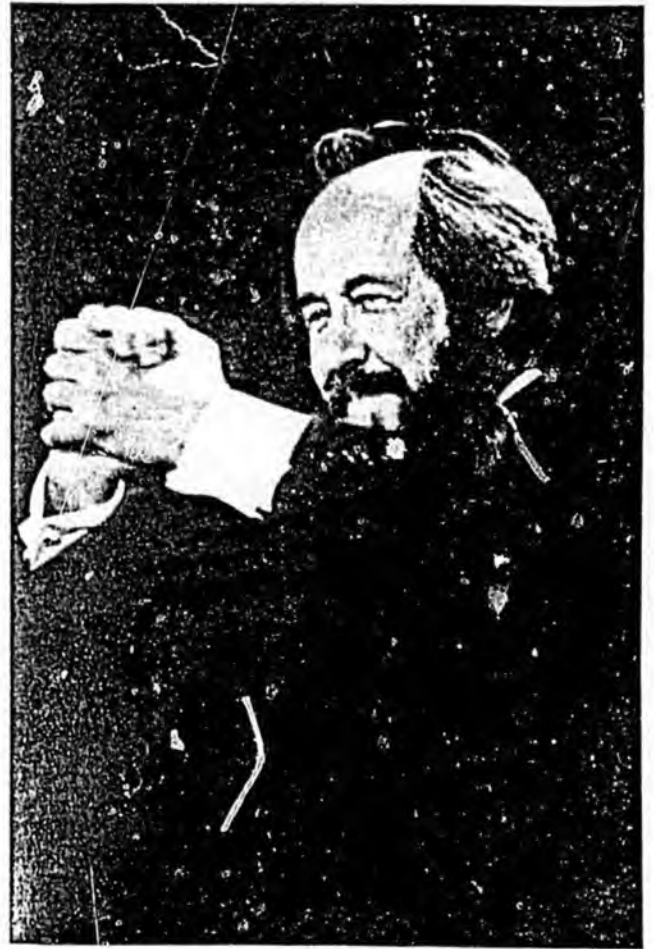
If a state or local government chooses to adopt a resolution using "Republic of China" terminology, this will almost surely engender a controversy with the PRC which will entail the expenditure of much time and energy by the locality. Because many states and localities wish to establish sisterhood relations with entities on the Chinese mainland, they perceive an interest in using a formula for referring to Taiwan which is acceptable to the PRC.

The PRC has protested situations in which such a formula is not followed. One city and one county government on two occasions permitted the Taiwan Chinese to use official facilities to celebrate the "ROC" national day and fly the "ROC" flag. The PRC consulate-general protested strongly on both occasions, and a sister city relationship with a PRC city was cancelled. In another instance, a state became embroiled in an acrimonious controversy with the PRC which in the end was resolved only after the state issued a proclamation rescinding the problematical terminology

concerning Taiwan. Another state accepted an invitation to visit Taiwan immediately after state officials has hosted officials of a province of the PRC; this evoked a strong PRC reaction and resulted in cutting short the development of exchange visits and the like.

I want to reiterate that we encourage the development of unofficial relations with the people on Taiwan. However, we have told the Coordination Council for North American Affairs (CCNAA--the Taiwan counterpart of AIT and the unofficial representative of Taiwan in the U.S.) that the pressure which some of its offices in the U.S. exert on the question of terminology often makes it difficult for states and localities to maintain these relationships. We have stressed to CCNAA that their insistence on unacceptable terminology is not in their long-term interest, that it will alienate potential friends, and that it will eventually isolate them rather than enable them to expand relationships. We believe that adoption of such terminology as "Taiwan" (or the name of the Taiwan city, if a sister city relationship is contemplated) in resolutions adopting sisterhood relations is not only acceptable to all parties but more accurately reflects the intent of the parties to such accords.


In closing, I repeat that the federal government does not wish to direct the policy which your state or locality eventually adopts. We believe, however, that the above-cited experience and guidance may assist you in avoiding some of the problems others have encountered as you seek to foster the kind of unofficial relations with the people of Taiwan which we all support.



To Free China

By Aleksandr Solzhenitsyn

An Address Delivered in Taipei
Republic of China
October 23, 1982
(Translated from the Russian)



see how peoples who escape Communism flourish and how those who fall victim to Communist tenets perish by the millions. The history of Communist destructions in the Soviet Union, Poland and Cambodia are now known to all. The history of the millions destroyed in China, Vietnam or North Korea is yet to be revealed in detail, but many signs allow us to judge this history even now.

But NO! It is Free China which has had to endure and suffer from the greatest injustices and ignoble attitudes of other countries. The United Nations, long degraded to an irresponsible side show, disgraced itself by expelling from membership the 17 millions of Free China. The majority of countries on our planet treacherously expelled your country from the U.N., whose delegates, adding insult to injury, whistled, jeered and shouted. The majority of Third World countries behaved like madmen who don't know the price of freedom but are themselves waiting for the kick of the boot.

For centuries the Western World has known very well the price of freedom. But with years passing and well-being achieved, it is less and less prepared to pay for it. The Western people value their state systems but are less and less inclined to defend them with their own bodies. From decade to decade, the West has become increasingly senile and unable to defend itself. The betrayal of one country after another had already begun before the Second World War. Afterward, no scruples were felt in abrogating the whole of Eastern Europe just for the sake of the West's own well-being. How easy it was to betray the government of Mikolaychik; how easy it was to withdraw support from one's ally, Chiang Kai-shek. And soon we shall witness how one country will betray another for the price of surviving just a little longer. Should it be surprising that the majority of the frightened Western countries are even afraid to sell you weapons for fear of angering Peking. That's how much their drive and con-

cern for freedom is worth. Meanwhile, threatened Europe should understand your position better but is so cowardly that it fails to recognize that the Republic of China and other countries of Asia are themselves endangered. Just recently, the former premier of Japan declared that the arming of Free China would destabilize the Far East! What more can be said?

They are all obsessed with the search for self-protection and the quest for a stand-in. So there emerged an attractive myth—that there are "bad" and "good" Communisms. And out of such a myth grew the image of Communist China as a good-natured peacemaker! But should that be surprising -when in South Korea, which herself survived a Communist assault, there exists a myth that actually the Soviet Union is not directly hostile to them, not so much an enemy, not like North Korea. The South Koreans have also been doing their utmost to curry favor with Peking. Now they are hesitating about whether to give a defecting Red Chinese aircraft to Free China.

No, it is not out of shortsightedness, not out of stupidity, that such myths are believed, but out of despair, out of the loss of spirit.

In a particular relationship to you is the United States of America. Up to this day, the United States provides the only outside guaranty restraining the Communists from attacking your island. But how difficult it becomes for the United States to remain faithful to Taiwan; how much has already been lost on the way! The Americans have also succumbed to the general world trend to leave the Republic of China to its perils, to abandon it to its fate. America moved to abrogate its diplomatic relations with the R.O.C. For what? For what fault of hers? Only to follow the futile Western dream of gaining an ally in Communist China. America has restricted its connections with you, curtailed its military support and is denying you much of what you need.

What pressures have been exerted upon American presidents, urging surrender of Taiwan! Not all of them could bear the strain. Here we have a former president, just back from a visit to China, where he flattered his hosts by saying that "a strong Communist China is a guarantee for peace" and that America seems to be interested in a strong Red China. Such people in former years have governed the United States and there is no guarantee that another such person might not succeed President Reagan.

The United States is highly heterogeneous. There are many currents, of which the capitulatory tides are quite powerful. Extremely powerful circles are leaning toward betrayal of a free country in favor of a friendship with a totalitarian one. They gladly picked up the hypocritical offer from Communist China on "peaceful unification." Many American journalists cry from the house-tops that Peking is now "bound by promises" to effect unification peacefully. They wanted to forget, and therefore successfully forgot, how many times the Communists have already cheated. The experience of "governments in concert with Communists" in postwar Eastern Europe has taught no lesson. This hopeless experiment now is being conducted in Cambodia. Similarly, according to Kissinger's agreement, North Vietnam was "bound by a ceasefire"—until it set the day for the seizure of South Vietnam. And leading American newsmen reached such heights of stupidity as to write that the United States doesn't make mistakes. If Red China "breaks its promise" and seizes Taiwan by force—then—only then—America would be freed from obligations and could again start to deliver arms...to whom, then?...Yes, such delirium appears on the pages of leading American newspapers, and they don't realize what they are doing!

And thus the influential circles in the United States want to force Taiwan to accept capitulatory negotiations, to relinquish voluntarily its freedom and power.

What, then, does Communist China want from you? Certainly, it is eager to grab your blossoming economy, to plunder and devour it. After all that has happened in the 20th century, only shortsighted simpletons can trust Peking's promises that it will totally preserve your economic and social system, and even your armed forces along with some elements of freedom. But the main issue is not to take away your wealth, to steal the fruits of your hard work. The main thing is that the Communist system does not tolerate any deviation in anything or anywhere. Not even the wealth of your island is important. What matters is the deviation from their system. Communist China hates you for your economic and social superiority. For them it is not permissible that other Chinese should know that there can be a better life without Communism. The Communist ideology does not tolerate any islets of freedom. And so, with all their might, the Communists want to cut off the sale to you even of defensive arms, to try to weaken your defense capability, to disturb your balance of power in the Straits—and thus to bring closer the day of intrusion into your island.

In order to nurture the apathy of the United States, Red China plays speculatively on the negotiations between Peking and Moscow on matters of China-Soviet rapprochement. Such rapprochement is not make-believe. It is a very realistic perspective. Both governments have long had common roots, a fact which everybody seems to forget. As far back as 1923, a Soviet agent Grusemberg, alias "Borodin," prepared a Communist coup, and it was he who promoted Mao Tse-tung and Chou En-lai to the highest positions in the party.

All that I am telling you—because of the deadly danger in which you find yourself—is understood well by many, if not yet by all. The threat is understood better here than in South Korea, where the young generation, the students, have quite forgotten the brief horrors of

Communist intrusion, so that the present freedom seems to them not enough. But they will remember and revalue their present "nonfreedom" when, after a command "hands back," they are driven under armed guards into concentration camps.

It seems to be fashionable in the West to demand from all who stand in the forefront of defense, under machine-gun fire, to demand the widest democracy, and not just simple, but absolute democracy, bordering on total dissoluteness, on state treason, on the right to destroy their own state and country—such freedom as Western countries tolerate. Such is the price the West demands from each menaced country, including yours. But it seems that on your island the logical limits are known and will sustain your struggle.

There is another danger stalking you. Your economic successes, your living standards and well-being are of a two-fold nature. These are the bright hope of all the Chinese people. But they also can become your weakness. All prosperous people tend to lose the awareness of danger, an addiction of the good living conditions of today, and consequently lose their will for resistance. I hope and I urge you to avoid such a weakening. Don't permit the youth of your country to become soft and placid, to become slaves to material goods, until finally they will prefer captivity and slavery to the struggle for freedom. That for 33 years you lived peacefully does not mean that you might not be attacked in the following three years. You are not a serene, care-free island; you are an army, constantly under the menace of war.

You are 18 millions, about as many as there are Jews in the world, and your problem is of the same dimensions. But the Jewish problem attracts the attention of all states and has become one of the central problems of contemporary times. Comparing this with the uniqueness of your position, I don't perceive why the fate of

Taiwan should not command the equal attention of the world.

But in today's world betrayal from weakness reigns supreme, and it is only your own strength upon which you can really rely. But there is also one bigger and brighter hope: the peoples of the enslaved nations, who will not endure indefinitely but who will rise in one menacing hour—menacing to their Communist rulers.

In your books you write that your island is a "bastion of national recovery." So be it! Not only defense, not only self-preservation should be your goal—but help, but the liberation of your compatriots suffering on the mainland, and first of all, through free and courageous radio broadcasts.

It may seem, since no one comes to mind, that you have no firm, reliable allies, although they might appear in the hour of destruction. But you have the most formidable ally in the world: one billion Chinese people. Their sympathy is your moral and spiritual support. Just a few days ago, you had an encouraging signal from your compatriots through the act of defection of a Red Chinese air force pilot. Often I think of still anonymous prisoners of the Chinese Gulags whose true story might not be told until the 21st century.

All the oppressed people, including the peoples of the Soviet Union, cannot rely on outside help, only on their own strength. At the best, the whole world would watch indifferently, but possibly with a great deal of relief, if the mad rulers of China and the USSR should unleash war among them. I hope that won't happen. But in any case, let us testify here and now to the mutual amicability and trust between the Chinese and Russian peoples, to the absence of contradictions amongst them; even more, let us hope for a union of our long suffering compatriots against both Communist governments. Whatever might happen be-

tween these two self-interested, anti-national governments, let us preserve mutual understanding, mutual compassion and friendship; let's not allow them to blind our eyes and deaden our ears through fruitless national hatred.

We don't know how long the plague of Communism will affect our world. One hundred and thirty-five years ago, who would have told the leaders of the then great empires that the tiny group of utopians—Communists who organized themselves in Europe—would conquer them all with iron and blood, and force to their knees their might and pride? They would not even have smiled at such a prophecy. Such forces could not then be seen anywhere. The strength of the Communists was based on their drive and their cruelty; the weakness of the West was rooted in the absence of the will to fight.

We don't know what whimsical zigzags human history will follow. I have already expressed a supposition that world Communism will outlive both Soviet and Chinese Communist regimes and spread over other countries, many of which are still eager to experience Communism. But in our two countries national common-sense shall finally prevail!

Anyway, both our peoples have suffered too much, lost too much! They are already moving along the way of liberation and recovery! □

Published by the Kwang Hwa Publishing Company
3-1, Chung Hsiao E. Rd., Sec. 1, Taipei (Taiwan), ROC

Printed by the Good Earth Printing Company
2, Lane 24, Fu Te S. Rd., Sanchung, Taipei County, Taiwan, ROC

1st edition, E2 Oct 1972
Catalog Card No.: KHP-EN 34-076-711

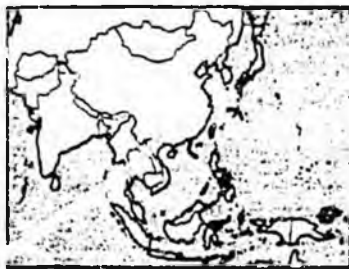
Printed in the Republic of China on Taiwan

October and December from Batticaloa, Vavuniya, Trincomalee and Jaffna. On 29 December 1983 Amnesty International wrote to the Minister of Internal Security expressing concern that people continued to be arrested and held without trial under the PTA, and specifically inquiring about the 170 reported arrests, of which it provided details concerning 75 cases. In view of previous evidence of the torture of people arrested under the PTA, Amnesty International asked for official assurances that responsible officials be directed to ensure that none of the detainees were subjected to torture or ill-treatment, that relatives and lawyers were granted immediate and regular access to detainees and that detainees be granted all rights normally accorded to other prisoners.

In a number of cases reported to Amnesty International during the year people arrested under the PTA were said to have been tortured following which several allegedly died while in army custody. One such case was that of K. Navaratnarajah, a young farmer from Trincomalee, who was arrested under the PTA on 27 March and died in Gurunagar army camp on 10 April, reportedly as a result of torture by the army. At the end of a judicial inquiry into his death, the magistrate returned a verdict of homicide and 25 external wounds and 10 internal injuries were described in a medical report. However, inquest proceedings were not held in the case of the other three people who reportedly died during the year after having been tortured while held in the custody of the security forces.

Although the death penalty remains on the statute books, no executions are known to have taken place since the United National Party government took office in 1977.

1984 Amnesty International Report



Taiwan

Amnesty International continued to appeal during 1983 for the release of some 40 prisoners of conscience and was investigating the cases of some 70 other political prisoners who had been detained for several years. Thirteen other prisoners of conscience were released on parole during the year. Amnesty International investigated nine reported arrests on political grounds and one report of torture. It was also concerned about the execution of convicted criminals and the handing down of death sentences.

Among the prisoners of conscience on whose behalf Amnesty International appealed were 17 who had been sentenced to life imprisonment in 1950 on charges of pro-communist activities. After years of inquiry, the organization could find no evidence that they had used or advocated violence. Seven were released on humanitarian grounds in February and March 1983. Ten others remained in detention although in mid-October 1983 press reports quoted Minister of Defence Soong Chang-chih as saying that a review of their cases initiated in October 1982 was progressing and that some of them would soon be released.

On 4 October 1983 another prisoner of conscience, Lin Wen-chen, the former Dean of the Women's Bible School in Taipei, who had been detained since January 1980, was granted parole on medical grounds. Amnesty International had been concerned about her rapidly deteriorating health. Also in October, five other prisoners of conscience were released on parole between two and four months before their sentences had expired. They were Yang Chin-chu, a writer, Chang Fu-chung and Chen Chung-hsin, journalists, and two former employees of the banned opposition magazine *Formosa*, Yu Ah-hsing and Chiu Chui-chen. They had been arrested after the Kaohsiung Incident in December 1979 (see *Amnesty International Report 1981*).

There were no indications that the government was reviewing the cases of other prisoners of conscience or of prisoners convicted of sedition after trials that Amnesty International believed fell short of internationally accepted standards. One prisoner of conscience, Pai Yatsan, an opposition politician, was sentenced to life imprisonment in November 1975 for circulating an election leaflet with questions to the Prime Minister on politically sensitive topics. Amnesty International continued to appeal for the release of Yen Ming-sheng, an opposition candidate in the 1975 parliamentary elections, and Yang Chin-hai, his campaign manager and a businessperson. It was believed that the immediate reason for their arrest in May 1976 was their role in the preparation of a conference of independent politicians which was intended to establish an opposition party. After their arrest, both were held incommunicado for two months. At their trial in 1976 Yang Chin-hai testified that he had been tortured in order to force him to confess that he had been planning terrorist activities. Yang Chin-hai was sentenced to life imprisonment and Yen Ming-sheng to 12 years' imprisonment. The principal evidence produced by the authorities to support the charges was confessions reportedly extracted under torture. Amnesty International adopted both men as prisoners of conscience.

Although the constitution guarantees the right to freedom of expression, several writers and journalists remained in detention for their writings. Among them was Lin Cheng ting. Amnesty International

believed that his arrest in 1957 was the result of an editorial he wrote criticizing the way the government and the United States Embassy handled a mob attack on the embassy which followed the killing of a Chinese by a US soldier, and the organization adopted him as a prisoner of conscience. Another prisoner of conscience, Huang Hua, was serving his third sentence for sedition and was in his mid-40s. In October 1976 he was sentenced to 10 years' imprisonment for articles he contributed to the *Taiwan Political Review*.

Among the cases being investigated by Amnesty International were those of some 10 people who were serving terms of three years' "reformatory education" (detention during which political "re-education" is administered) for allegedly producing pro-communist propaganda. One of them was Lee Ta-chuan, a retired soldier. He was reportedly charged with gambling, but Amnesty International believed that he may have been arrested for circulating petitions to President Chiang Ching-kuo calling for negotiations with the People's Republic of China (PRC) and for complaining about police brutality.

Although Amnesty International received several reports of the detention of political prisoners under the Law for the Punishment of Police Offences, it had details in only one case. Article 28 of this law allows the police to send "a person who habitually commits police offences . . . to a suitable place for correction . . .". Police offences include "disseminating rumours sufficient to affect public peace". Wang Ching-hsiung, a lecturer at the College of Chinese Culture, was convicted of producing pro-communist propaganda in the early 1970s. He completed his sentence in 1980 but remained in detention under Article 28 reportedly because he refused to change his political views. Amnesty International adopted him as a prisoner of conscience.

Amnesty International was concerned that many prisoners of conscience were reported to be in ill-health and to be receiving inadequate medical treatment, in spite of assurances from the authorities to the organization that adequate medical facilities were available within the prisons and that provision was made for medical examinations or treatment outside prison where necessary.

Amnesty International investigated nine arrests which took place during the year. Yang Huan-hsi was arrested on 5 January 1983 and charged with having written to friends who held official posts in the PRC, suggesting initiatives for the reunification of China by the PRC. On 9 February 1983, the Taiwan Garrison Command (TGC) announced that he had been sentenced to three years' "reformatory education" but he was conditionally released in view of his age and poor health. In another case, Maeda Mitsue, a Japanese citizen, Professor Lu Hsiu-yi, Dean of the Political Science Department of the College of Chinese Culture, and Ko Szu-pin were arrested on 3 and 8 January 1983 and

accused of working for an organization based in Japan which, the prosecution said, advocated the formal independence of Taiwan, to be achieved through a violent revolution backed by the PRC. Amnesty International urged the authorities to allow them immediate access to lawyers of their choice and asked that they be humanely treated. They were held incommunicado until 25 February 1983 when the prosecution recommended lenient sentences on the grounds that they had cooperated and repented during their interrogation. Their trial before a military court was believed to have taken place in late February but no details were available. They were sentenced to three years' "reformatory education", suspended, except in the case of Lu Hsiu-yi.

Amnesty International was concerned about the case of Chang Ming-chuan, who was arrested in March 1982 and sentenced to death for murder and robbery. He appealed against his conviction, claiming that he had been tortured into making a false confession as well as pointing out discrepancies in the prosecution evidence. In early 1983 the Supreme Court sent the case back for review to the Taiwan High Court on the grounds of unsatisfactory evidence. The High Court reimposed the sentence and, following another appeal, the Supreme Court on 15 December 1983 again returned the case to the High Court for review. It was not known whether the authorities conducted an independent inquiry into the claim of torture.

Amnesty International also continued to urge the authorities to set up independent inquiries into all previous claims of torture made by prisoners still detained. In early 1983 the government said that all such complaints had been "carefully investigated without any concrete finding of torture or other ill-treatment". The reply did not indicate the nature of the investigations, the participants involved or the methods used.

On 5 August 1983 Amnesty International wrote to President Chiang Ching-kuo to express concern about the execution in July 1983 of 10 people convicted of ordinary criminal offences. Two more executions of criminal convicts took place in September and December. Twenty-seven people were reportedly sentenced to death for criminal offences during the year. One prisoner under sentence of death was acquitted and released in February 1983.



Taiwan

Amnesty International continued to appeal for the release of 90 prisoners of conscience and possible prisoners of conscience, and for the retrial of prisoners convicted of sedition after trials which fell short of international standards. One adopted prisoner of conscience held for more than 30 years was released, and the 21 other prisoners convicted of sedition in the early 1950s were to have their cases reviewed. Amnesty International was also concerned about allegations of torture and by the imposition of at least 43 death sentences and five executions.

In April 1982 Wu Yueh-ming, a 62-year-old former pharmacist and an Amnesty International adopted prisoner of conscience, was released on parole on medical grounds after more than 30 years in prison for alleged "pro-communist activities" (see *Amnesty International Report 1982*). On 20 October 1982 Defence Minister Soong Chang-chih announced that the government was reviewing the cases of 21 other prisoners also detained on charges of sedition for more than 30 years with a view to releasing them on humanitarian grounds. The 21 prisoners had been specifically excluded from the previous amnesty – the 1975 Commutation Act – because they had been convicted of being communists. They had all been sentenced to life imprisonment and most were said to be in poor health. Amnesty International had adopted 16 of them as prisoners of conscience after years of investigation which produced no evidence that their political activities had involved the use or advocacy of violence. In all cases about which information was available they had been tried by summary military tribunals in closed courts without proper rights of defence. Amnesty International had little information on the six prisoners whom it had not adopted. On 11 November 1982 Amnesty International wrote to Prime Minister Sun Yun-sun welcoming the review and expressing the hope that it would lead to the unconditional release of all the prisoners of conscience.

Amnesty International also welcomed the amendments to the Code of Criminal Procedure adopted in July 1982 by the Legislative Yuan (Assembly) and subsequently promulgated by the government,

under which suspects in custody were given the right to retain a defence lawyer immediately after arrest. Amnesty International wrote that this legal change, if applicable to suspects under military trial law, would be a significant step towards protecting suspects from ill-treatment during interrogation and towards bringing detention procedures into line with international standards. However, it was later learned that it was not applicable under military law. It was believed that this revision of interrogation procedures was hastened by the case of Dr Chen Wen-cheng, found dead on 3 July 1981, the day after he was questioned by the authorities about his political activities (see *Amnesty International Report 1982*) and by the death in police custody in May 1982 of Wang Ying-hsien, a suspect in a robbery case. An official inquiry into Wang Ying-hsien's death led to the prosecution of five police officers. On 23 November 1982 they were sentenced to prison terms ranging from one year and four months to four years and six months on charges of involuntary manslaughter, assault and illegal detention. As far as Amnesty International knew, this was the first judicial investigation into claims that torture or ill-treatment had been used by interrogating officers.

In early March 1982 Minister of Interior Lin Yang-kang announced that there would be a review of the Public Officials Election and Recall Law promulgated in May 1980. On 8 March 1982 Amnesty International wrote to the Minister, expressing its concern about the imprisonment under this law of Chang Chun-nan and Liu Feng-sung. They were both candidates in the elections of December 1980 and were convicted of making seditious speeches or using seditious slogans and leaflets during their campaigns. Amnesty International adopted both men as prisoners of conscience (see *Amnesty International Report 1982*). In its letter Amnesty International recommended that all provisions be removed from the law which enable people to be imprisoned for the non-violent exercise of their right to freedom of expression.

Amnesty International appealed for the release of Chang Hua-historian and journalist arrested in September 1979 and sentenced to 10 years' imprisonment for alleged pro-communist propaganda (see *Amnesty International Report 1980*). Amnesty International considered him a prisoner of conscience detained for his writings and his support for opposition politicians.

Amnesty International also appealed for the release of Wen Juian and Fang E-chen, both writers, arrested in October or November 1980 and sentenced to three years' "ideological reform", reportedly for discussing communism at meetings of a literary society and for expressing the view that Taiwan should be reunified with communist China.

Amnesty International continued to appeal for the release of prisoner of conscience detained after the Kaohsiung incident in December 1979 and for the Reverend Kao Chun-ming and his co-defendants, convicted of harbouring Shih Ming-teh, a suspect in the Kaohsiung incident (see *Amnesty International Reports 1981 and 1982*). It appealed for medical care for Lu Hsiu-lien, a lawyer and executive member of *Formosa* magazine arrested after the Kaohsiung incident who was reported to be suffering from a recurrence of cancer of the thyroid. She was later reported to be receiving medical treatment. Amnesty International was concerned about the two-year delay in providing adequate medical care to Shih Ming-teh for a spinal injury. A team of doctors was reportedly sent to examine him in early November 1982.

In a letter of 11 November 1982 Amnesty International appealed to Prime Minister Sun Yun-suan to investigate all cases where claims of torture or ill-treatment were made and to refer them to a court for inquiry or retrial. Amnesty International cited several cases including those of Yang Chin-hai and Yen Ming-sheng, arrested in May 1976. Yen Ming-sheng was an independent candidate in the December 1975 elections to the Legislative Yuan (Assembly). He had openly criticized the government's goal of recovering the China mainland and objected to the predominant role in government of people born on the China mainland. Yang Chin-hai, a businessman and the president of the Kaohsiung County Chamber of Commerce, was the election manager of Yen Ming-sheng. At his trial Yang Chin-hai presented a written statement to the court claiming that he had confessed to charges of planning sabotage because of torture and death threats. Amnesty International also raised the cases of Chen Ming-chong and Chen Chin-huo, who were arrested in July or August 1976. Both had previously been imprisoned on charges of pro-communist activities. They were tried *in camera* and not allowed to be defended by a lawyer of their choice. They were reportedly ill-treated to make them confess to planning an armed rebellion to prepare for a communist invasion.

Amnesty International was concerned that at least 43 death sentences were reportedly imposed by civil or military courts for criminal offences such as murder, robbery and drug offences. Five executions were reported. One prisoner was tried by military court and executed four days after conviction. Another, also tried by military court, was executed less than two weeks after conviction. One person sentenced to death in 1973 for murder was acquitted after a series of retrials. On 1 June 1982 Amnesty International reiterated its appeal to President Chiang Ching-kuo to commute all death sentences.

Torture in the 80's

1984

Taiwan

Reports of torture and ill-treatment of prisoners in Taiwan were less frequent in the period under review than in the previous decade. Most of the 40 prisoners convicted after a human rights demonstration in Kaohsiung in December 1979 claimed in court that their confessions admitting the charges against them were obtained by violence, sleep deprivation and threats of the death sentence in some cases. They had been held incommunicado for more than two months by the Taiwan Garrison Command (TGC) and interrogated by that agency and more than 30 of them were interrogated for a further two months by civilian prosecutors. An Amnesty International mission which went to Taiwan in February 1980 met a number of people who had been interrogated following the December demonstration and released without charges. Some of those interviewed had been interrogated continuously throughout their detention, in some cases for less than 10 hours, in others for seven days and nights. The delegates were also told about torture used during interrogation on some of the other prisoners. These included beatings with a leather belt, electric shocks and the wearing of fetters and iron balls; others were reportedly forced to squat for long periods in front of electric fans. In a memorandum to the government in February 1981 Amnesty International asked that these claims be investigated; it also called for an end to incommunicado detention and other conditions that facilitate ill-treatment in custody and the introduction of procedures to investigate complaints of ill-treatment and compensate victims.

The government replied that the defendants' allegations of ill-treatment had been investigated by the court and found to be

groundless. However, to Amnesty International's knowledge, the military court that tried eight of the defendants had dismissed their requests for the interrogating officers to be examined in court and accepted statements by the military prosecutor and the Bureau of Investigation that the complaints were unfounded. Amnesty International received no indication that an independent investigation of the torture allegations took place. In its response to the government Amnesty International stressed that the isolation of suspects during interrogation, while facilitating ill-treatment, also made it difficult for the prisoners to prove their complaints and for the government to disprove them.

On 1 July 1981 the government promulgated a State Compensation Law under which a plaintiff may claim compensation for damages caused by government employees in the course of their duties.

In July 1982 the Code of Criminal Procedure was amended to allow suspects in custody to retain a defence lawyer immediately after arrest. It is believed that the amendment was hastened by the case of Dr Chen Wen-cheng, found dead on 3 July 1981, the day after he was questioned by the TGC about his political activities in the United States, and by the death in police custody in May 1982 of Wang Ying-hsien, a suspect in a robbery case. An American expert in forensic medicine who examined the body of Dr Chen found no evidence of "systematic torture" but the case prompted several government officials to call for a review of the TGC interrogation procedures. An official inquiry into the circumstances of Wang Ying-hsien's death led to the prosecution and conviction in November 1982 of five police officers for assault. To Amnesty International's knowledge, this was the first ever instance where government officials were convicted for ill-treatment of suspects.

Suspects on charges of sedition interrogated by the TGC do not benefit from the change in the law of criminal procedure. They are subject to the military criminal procedure law and are not allowed to see a lawyer before indictment. They can be legally detained incommunicado for a period of two months, renewable once. Amnesty International remained concerned about several prisoners serving long sentences for sedition who claimed they were convicted in the 1970s on the basis of confessions made under torture; it continued to appeal for these cases to be re-tried.

Taiwan: eight freed after 33 years

Nine people adopted by AI as prisoners of conscience were released in Taiwan on 22 January 1984—eight of them had been imprisoned for more than 33 years and the 9th since 1957.

The eight are Chen Lieh-chen, 64; Chen Shui-chuan, 57; Li Chen-shan, 64; Liu Chen-sung, 54; Hsu Wen-tzan, 56; Hung Shui-liu, 71; Wang Chin-huei, 57; and Wang Teh-sheng, 63.

They had been sentenced to life imprisonment in 1950 on charge of pro-communist activities and had been excluded from previous amnesties granted to political prisoners in Taiwan.

Also released was Lin Chen-ting, 60, a journalist, arrested in 1957 after he had written an article critical of the government's close relations with the USA.

Two other prisoners of conscience sentenced to life imprisonment in 1950 remain in detention and are reported to be in poor health: Li Chin-mu, 57, has a gastric ulcer, and Lin Shu-yang, 58, has cardiac problems.

January 1984

Bible teacher freed on bail in Taiwan

Lin Wen-chen, aged 44, Dean of the Women's Bible Study School in Taipei, was one of four people adopted by AI as prisoners of conscience who were released from prison in Taiwan in October 1983.

She was granted bail on medical grounds on 4 October—she had been suffering from a stomach disorder and her health had deteriorated seriously over the last few months in detention. She was arrested in January 1980.

The other three prisoners were released on parole between two and four months before their sentences had expired. They are: Yang Chin-chu, a writer, aged 43, and two former employees of the banned opposition magazine *Formosa*, Yu Ah-hsing and Chiu Chui-chen□

EXTERNAL (for general distribution)

AI Index: ASA 38/08/83

Date: 23 November 1983

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ

AMNESTY INTERNATIONAL'S CONCERNS IN THE REPUBLIC OF CHINA (TAIWAN)

Amnesty International's concerns in the Republic of China (ROC) are the detention of prisoners of conscience, the unfair trials of political prisoners, reports of torture and ill-treatment of suspects during interrogation and the use of the death penalty as a punishment for certain criminal and political offences.

Amnesty International members are currently appealing to the authorities of the ROC to release some 55 prisoners Amnesty International has adopted as prisoners of conscience; they are also making inquiries about, and in some cases calling for a fair and open retrial for, some 75 others whom Amnesty International believes may also be prisoners of conscience but about whose cases it has not yet enough information.

The Constitution of the ROC guarantees the rights of freedom of expression and freedom of association. It states that, "The people shall have freedom of speech, teaching, writing and publication" (Article 11), and that, "The people shall have freedom of assembly and of association" (Article 14).

The exercise of these rights is, however, severely restricted by the provisions of martial law, in force on Taiwan since 1949 when, at the end of the civil war with the Red (Communist) Army, the army and government of the ROC retreated from mainland China (where the People's Republic of China was later established) to Taiwan.

Most of the prisoners of conscience and prisoners whom Amnesty International believes may be prisoners of conscience are detained under the Statute for the Punishment of Sedition (1949). This statute specifies a number of offences against the security of the state, such as:

- committing acts with intent illegally to overthrow the government or an attempt to commit this offence;
- spreading rumours or groundless information liable to disturb public order or morale;
- making propaganda which helps a seditious person; etc.

Amnesty International believes that prisoners of conscience have been detained under The Public Officials Election and Recall Law (May 1980) which prescribes a term of imprisonment for persons guilty of spreading "seditious" ideas in the course of an electoral campaign. It was used against two candidates in the December 1980 parliamentary election. (Their cases are described below).

Amnesty International has also adopted as prisoners of conscience a number of prisoners convicted of criminal offences when it was satisfied that the prisoners were not given a fair trial and were detained only on account of their non-violent political views and activities.

People suspected of offences under the Statute for the Punishment of Sedition are arrested, interrogated and tried by the Taiwan Garrison Command, the military organ responsible for maintaining the internal security of Taiwan. Amnesty International is concerned that suspects interrogated on such charges may legally be detained without access to a lawyer or their families for up to four months. In a number of cases, suspects were reportedly detained incommunicado for an even longer time. Amnesty International has received reports that several prisoners whose cases it has taken up were tortured, otherwise ill-treated or threatened, to force them to admit the accusations against them. These confessions were later used at their trial as the main prosecution evidence. Other restrictions on the right of the defence of political prisoners have included not being allowed to have defence witnesses called or to be defended by a lawyer of their own choice. In a number of cases, trials were held in closed sessions.

Amnesty International believes that incommunicado detention of suspects increases the risk that they may be tortured or ill-treated and has repeatedly urged the ROC government to change the law to allow suspects to see a lawyer of their choice soon after arrest. In July 1982, the Code of Criminal Procedure was amended to allow suspects to retain a defence lawyer immediately after arrest. This amendment, however, does not apply under military law and to people arrested on suspicion of "sedition".

In November 1982, a court sentenced five police officers to prison terms for assaulting and causing the death of a suspect in their custody. To Amnesty International's knowledge this was the first judicial investigation in Taiwan into claims that torture or ill-treatment was used by interrogating officials. Amnesty International continues to urge the authorities to fully investigate claims by political prisoners arrested in the 1970s that they were tortured into admitting the charges against them.

People suspected of sedition are usually detained in Hsin-tien military detention centre near Taipei; after conviction, most prisoners are transferred to a military prison on Green Island, a small island off the east coast of Taiwan. Women prisoners, prisoners serving short terms of "reformatory education" and those approaching the end of their sentences are held in Jenai Educational Experimental Institute, near Taipei. Prisoners convicted on criminal charges are detained in civilian prisons.

Although convicted prisoners who remain in Hsin-tien detention centre are often closer to their families, several have complained that they are not allowed to work and have to spend most of the day in their cells. Conditions of detention are said to be best in Jenai Educational Experimental Institute where, according to official statements, the prisoners spend several hours on most days receiving general, political and vocational instruction. Prisoners held in Green Island military prison also receive political instruction; some are allowed to work.

All prisoners are allowed to receive visits from their families: 30 minutes per week in Hsin-tien detention centre; half a day per week in Jenai Educational Experimental Institute. Because of the time and expense involved in getting to Green Island, it has been reported that, on occasion, families have been allowed to stay overnight and visit on two days. Prisoners are allowed to exchange letters with relatives. The number, length and content of these letters are restricted by the authorities.

Medical personnel are attached to most prisons. However, according to reports received by Amnesty International, prisoners are not always given adequate medical care.

Below is a description of the case histories of some of the prisoners adopted by Amnesty International.

1. Prisoners Detained Since 1950

After the retreat of the Nationalist army to the island of Taiwan in 1949, large-scale arrests were conducted to apprehend "communists". People whose political opinions and activities covered various views were charged under the Statute for the Punishment of Sedition with "planning to overthrow the government" or "pro-communist activities". In all cases about which information is available to Amnesty International, the defendants were reportedly tried by summary military tribunals in closed courts without proper rights of defence.

13 prisoners sentenced to life imprisonment in 1950 are still detained in Green Island military prison today. Ten of them are adopted by Amnesty International as prisoners of conscience. Amnesty International adopted them after years of investigation and inquiries to the authorities which produced no evidence that the political activities they had been engaged in involved the use or advocacy of violence. Amnesty International has little information about the other three prisoners. All are now aged between 55 and 65 and several of them are in poor health. Most are said to be still in contact with members of their families and to have grown-up children and grand-children.

In recent years, Amnesty International members and other people concerned about the fate of these prisoners have stepped up their appeals for their release. On 20 October 1982, Defence Minister Soong Chang-chin announced in the Legislative Yuan (Assembly) that the government was reviewing the cases of 22 prisoners who had been detained on charges of sedition for more than 30 years with a view towards releasing them on humanitarian grounds. In February and March 1983, nine of them were released on parole. In mid-October 1983, press reports quoted the Minister of Defence as saying that the review was progressing and that five more prisoners would be released in the near future.

Those still detained include:

- (a) Four prisoners from Taichung (a city in the centre of Taiwan island) who were among a total of 55 people from that city arrested in early 1950 on charges of pro-communist activities. (Five other prisoners from Taichung also sentenced to life imprisonment were released in February and March 1983).

Chen Lieh-chen, born in 1920, worked in Taichung government offices at the time of his arrest. He is reportedly suffering from a bleeding stomach ulcer.

Li Chen-shan, born in 1921, he used to work for a farmers' association. He is partially paralyzed and has a stomach ailment.

Liu Chen-sung, born in 1930, was a student at the time of his arrest. He is reportedly suffering from pain of the lower back and a gastric ulcer.

Wang Te-sheng, born in 1921, was a businessman. He has rheumatism and a stomach ailment.

- (b) Five prisoners, originally from Matou in Tainan district, who are all believed to have had connections with the sugar industry and to have belonged to the "Plough Association", an agricultural workers union which was organized when Taiwan was still a Japanese colony. It is believed that the Taiwanese Communist Party may have tried to gain support among the members of the association. The prisoners were among around 33 people tried in August 1950 with "collectively planning to overthrow the government by illegal means". (One other prisoner, in this group, also sentenced to life imprisonment, was released in early 1983).

Chen Shui-chuan was born in 1926. He is suffering from heart trouble and a severe intestinal disorder.

Hung Shui-liu, born in 1917, was a field hand, probably in a sugar plantation. He is suffering from high blood pressure and prolapsed piles.

Li Chin-mu was born in 1927. He may have been an agricultural worker or a carpenter. He has been suffering from severe stomach trouble with internal bleeding.

Lin Shu-yang, born in 1927, worked in a sugar refinery. He is suffering from poor blood circulation and has been suffering from haemorrhoids for several years.

Wang Chin-huei, born in 1926, worked in a sugar refinery. He is said to suffer from high blood pressure, arthritis and a gastric ulcer.

- (c) Born in 1927, Hsu Wen-tzan was a telephone operator for Taipei Telecommunications. He was arrested in 1950 and sentenced to life imprisonment on charges of "planning to overthrow the government". He is reportedly suffering from high blood pressure, a gastric ulcer and arthritis in the arms.

2. Opposition Politicians in Detention

Several opposition politicians are currently in detention because of the opinions they expressed during their electoral campaigns or for attempting to set up an opposition party during the 1970s.

(There are three political parties in Taiwan: the ruling Nationalist Party (the Kuomintang), the Young China Party and the China Democratic Socialist Party. The last two share most of the Kuomintang's views. Under the state of martial law in force on Taiwan, the authorities may prohibit the establishment of new associations. Attempts to create new political parties after 1949 have been frustrated by the authorities and have led to the detention of their promoters or supporters. Opposition politicians, often people of Taiwanese descent (as opposed to the people who arrived in Taiwan in the late 1940s), therefore run as independents and coordinate their campaigns as much as is possible under the electoral laws. Since the end of the 1970s, a growing number of independent candidates have been elected to local, provincial or national assemblies.)

- (a) Pai Ya-tsan, now in his early 40s, was sentenced to life imprisonment in November 1975. He was found guilty by a military court of "attempting to stir seditious feelings" through the circulation of views "contrary to basic national policy". Pai Ya-tsan was a candidate for the supplementary elections to the Legislative Yuan scheduled for December 1975. Shortly before his arrest he had circulated a campaign statement which included 29 questions to Chiang Ching-kuo, then Prime Minister. Some of the questions related to the Republic of China's foreign policy and proposed that the Republic of China Government open diplomatic relations with the USSR and consider trading with the People's Republic of China. Other questions were related to internal issues and, among other things, urged the establishment of a national health insurance, the abolition of martial law and the release of political prisoners. AI has adopted Pai Ya-tsan as a prisoner of conscience. He is presently detained in Green Island military prison.

(b) The Case of Yen Ming-sheng and Yang Chin-hai

Yen Ming-sheng, an independent candidate in the December 1975 elections, was arrested on 31 May 1976 together with Yang Chin-hai, a businessman and his

campaign manager, and six other persons. Shortly after the arrests, the Taiwan Garrison Command announced that it suspected them of planning to "overthrow the government, disturb public security through violent means and to create chaos by sabotaging oil and power facilities". Yen Ming-sheng and Yang Chin-hai had both been involved in opposition politics for many years. It is believed that the real reason for their arrest was their role in the preparation of a conference of independent politicians to be held in November 1976 and which would establish an opposition party.

Yen Ming-sheng, now aged 48, attended Tainan Teachers' Training College. He successfully passed the examinations to the military law school, but was eventually disqualified on grounds of "political shortcomings". In 1959, he was reportedly sentenced to three years' "reformatory education" for allegedly forming a "subversive" group. He became actively involved in opposition politics in 1971. In 1973, while in prison on alleged fraud charges, he was elected to the Kaohsiung City Council. During his electoral campaign for the Legislative Yuan (Assembly) in December 1975, he was reportedly extremely vocal in his criticism of corruption among officials and of electoral irregularities. His electoral program included calls for the lifting of the prohibition on the establishment of political parties, the end of martial law and the setting up of a time limit for the "recovery" of the China mainland. Although he received a sizeable number of the votes, Yen Ming-sheng failed to be elected.

Yang Chin-hai, now 52, studied commerce and law. He was president of the Kaohsiung district Chamber of Commerce and was reportedly under strong pressure to join the ruling Nationalist Party, but refused to do so. From 1972 onwards, Yang Chin-hai assisted several non-Kuomintang candidates in local and national elections. He was very critical of instances of alleged election fraud by government officials. After the defeat of Yen Ming-sheng in the December 1975 elections, Yang toured the city of Kaohsiung to "thank the voters" on Yen's behalf. Soon a large crowd had joined him and staged a demonstration, illegal under martial law, protesting against electoral irregularities.

In May 1976, Yang Chin-hai and Yen Ming-sheng, together with other opposition politicians, drafted and signed proposals for an opposition party which they hoped would be set up during a conference of independent politicians in November 1976.

After their arrest on 31 May 1976 Yang Chin-hai and Yen Ming-sheng were held incommunicado by the Taiwan Garrison Command for two months. At his trial held on 26 or 27 July 1976, Yang Chin-hai described the torture he was subjected to to force him to admit charges that he was planning terrorist activities in Taiwan. Both men were found guilty of the charges. Yang Chin-hai was sentenced to life imprisonment; Yen Ming-sheng, to twelve years'.

In Amnesty International's view, the prisoners' confessions that they planned to commit acts of sabotage do not constitute convincing evidence, since, as one of the prisoners claims and other information suggests, torture may have been used to obtain these confessions. In spite of repeated requests from Amnesty International, the authorities have not provided other evidence to support the charges. Amnesty International believes that Yen

Ming-sheng and Yang Chin-hai are detained because of their non-violent political activities and has adopted them as prisoners of conscience.

Both prisoners are serving their sentences in Green Island military prison.

(c) The Chen Ming-chong Case

Chen Ming-chong and up to 17 other people were arrested in July and August 1976 on suspicion of being communist agents. Most of them were previously arrested in 1950 and spent ten or more years in prison for allegedly belonging to the communist party or some of its affiliated organizations. It is believed that the connection between these people was provided either by their interest in developments in the People's Republic of China on which they secretly exchanged books or their support for an opposition member of the Legislative Yuan (Assembly). Chen Ming-chong is said to have supported and financially assisted an opposition member of the Legislative Yuan during his electoral campaign in December 1975. The daughter of this Legislative Yuan member was arrested in this case and sentenced to three years' "reformatory education" for visiting the People's Republic of China. There were several cases of opposition politicians and their supporters arrested during 1976 because of their attempt, illegal under martial law, to set up an opposition party. It is believed that Chen Ming-chong and others detained in this case might have been involved in this project.

Amnesty International is seriously concerned about the judicial process which led to the prisoners' conviction on charges of sedition, in particular their detention incommunicado for three months during which they were reportedly tortured and their closed trial with severe restrictions on the rights of the defence.

According to reports received by Amnesty International, in the period December 1976 - February 1977 Chen Ming-chong could not walk unaided, suffered from partial paralysis of the hands and from a heart condition. After his arrest, Chen Chin-huo also detained in this case, experienced difficulties in hearing in one ear and in moving one of his arms. Such a deterioration in their health seems to support the prisoners' claims that they were tortured to make them confess to the charges against them.

All the defendants were found guilty, with varying degrees of responsibility, of "developing clandestine organizations in Taiwan to recruit participants and plot armed revolts", under instructions from the People's Republic of China, "so as to eventually respond to a Chinese Communist invasion". Their trial took place without the presence of their families or the lawyers they had selected.

- (i) Wang Nai-hsin, 56, a chemist shop employee and another person were sentenced to ten years' imprisonment. They were found guilty of reading communist books lent to them by Chen Chin-huo and of buying such books from a bookstore owner, also detained in this case. They were also accused of discussing with Chen Ming-chong and Chen Chin-huo how to "indoctrinate" other

former political prisoners in order to carry out their "rebellious" plot.

In Amnesty International's view, the defendant's alleged reading of Chinese communist books, illegal in Taiwan, and discussion with others of the information they contained, constitute the non-violent exercise of his right to freedom of expression and association. Amnesty International therefore adopted Wang Nai-hsin as a prisoner of conscience.

(ii) Apart from reading communist books and allegedly conducting "indoctrination" of former political prisoners, Chen Ming-chong and Chen Chin-huo were accused of plotting to smuggle arms into Taiwan. The only evidence supporting this accusation was the confessions of the prisoners. For several years, Amnesty International requested the authorities of the Republic of China to provide it with more information supporting the charges that Chen Ming-chong and Chen Chin-huo planned to use violence and called on them to give them a fair and open re-trial. No such information has been received and the prisoners have not been re-tried, in spite of the serious shortcomings in the judicial process. Amnesty International therefore decided to adopt Chen Ming-chong and Chen Chin-huo as prisoners of conscience. It believes that they are detained on account of their political views and activities in support of an opposition politician and that their confessions, possibly obtained under torture, do not constitute convincing evidence that they planned to use violence to achieve their political aims. Both prisoners are serving their 15-year sentences in Green Island military prison.

(d) The Case of Yu Teng-fa, Wu Tai-an and Others

During 1978, the political opposition to the ruling Nationalist Party had become more united. In December, it issued a common political program to fight the elections scheduled for that month. However, the elections were postponed following the announcement that the United States would sever diplomatic relations with Taiwan. In response to the postponement of the elections, the opposition planned to hold a convention in early February 1979, under the leadership of Yu Teng-fa, a 77-year-old former magistrate and prominent opposition politician.

From September 1978 onwards there was a series of arrests culminating in that of Yu Teng-fa in January 1979. In October 1978, the authorities announced that they had arrested a communist agent named Wu Tai-an. Wu Chun-fa was brought to trial in January 1979 together with four other people accused of being part of his conspiracy to overthrow the government. During his trial, Wu admitted that he met Yu Teng-fa, but said that the latter had refused to join his conspiracy. Yu Teng-fa was tried in March 1979 on charges of failing to report a communist spy to the authorities. In mid-April, he was sentenced to eight years' imprisonment. At the same time it was announced that Wu Tai-an had been sentenced to death and twelve other

people - of whom four had been tried in January 1979 and the others, presumably before a closed tribunal, some time later - to terms of imprisonment ranging from eight years to life. Wu Tai-an was executed in May 1979. Yu Tang-fa was released by mid-1980 on medical grounds.

Amnesty International has adopted as prisoners of conscience all those still in detention in this case who are known to have been involved in opposition politics. It is investigating the cases of the others and appealing for a fair and open retrial on the grounds that their first trials did not conform to internationally accepted standards and that they may have been ill-treated in order to obtain the confessions on which their convictions were based.

Chang Sen-yuan and Huang Cheh-tsung, both businessmen, were arrested at the beginning of September 1978, tried on 24 January 1978 on charges of distributing anti-government propaganda, convicted and sentenced to 8 years' imprisonment. Their cases are being investigated by Amnesty International.

Ms. Kao Chin-tse, aged about 33 years old, was involved in local politics for the opposition in Taitung. She was a member of Taitung Township Council and an assemblywoman for Peinan Hsiang (an administrative division below county).

Her husband, Chen Wen-hsiung, aged about 43 years old, was Chairman of Taitung Cooperative Society and also involved in opposition politics in Taitung. They were both arrested at the beginning of October 1978. Although the charges against them have not been made public, they were mentioned in the trial of Wu Tai-an and four others and accused of sedition. On 16 April 1979 it was announced that they had each been sentenced to 10 years' imprisonment. Amnesty International had adopted them as prisoners of conscience.

Ms. Yu Su-chen, aged about 41 years old, is said to have been the mistress of Wu Tai-an. She was tried on 24 January 1979 on charges of attempting to overthrow the government by violent means. Although she pleaded guilty to the charges she stated in court that she was not aware of Wu Tai-an's intentions. She was convicted and sentenced to 15 years' imprisonment. Her case has been taken up for investigation.

Chuang Hsun, aged about 40 years old, is believed to be a Buddhist monk. He was arrested on 26 September 1978. Liu Ching-jung, probably in his mid-40s, is also reported to be a practising Buddhist. He was arrested on 1 October 1978. They were both charged with attempting to overthrow the government by violent means, convicted without a public hearing, and sentenced to 10 years' imprisonment. Amnesty International is investigating their cases.

Chang Chun-nan, a 42-year-old candidate for the Legislative Yuan (Council) in the December 1980 elections, was sentenced by a civilian tribunal to three years and six months' imprisonment on 3 March 1981. The charge, under the Public Officials Election and Recall Law, was

based on speeches he made and slogans he used during his electoral campaign.

Chang Chun-nan was arrested on 17 January 1981; he was allowed to see a lawyer after he was formally indicted on 30 January 1981. He was accused of having advocated the independence of Taiwan and of having called on the people to overthrow the government. In his defence Chang Chun-nan argued that the alleged incriminating statements were a distortion of his actual campaign speeches. These speeches have been made available to Amnesty International. There is no evidence in it that Chang Chun-nan advocated violence. Amnesty International therefore has adopted him as a prisoner of conscience.

Chang Chun-nan was formerly a primary school teacher. In 1972 he was elected to the National Assembly for a term of office of six years. In the supplementary elections scheduled for December 1978, he ran as an independent (i.e. non-Kuomintang) candidate for the Legislative Yuan. These elections were postponed. When they took place in December 1980, Chang Chun-nan was again an independent candidate but he failed to be elected.

Since his arrest he has been detained in Taichung prison.

Liu Feng-sung, now aged 42, was a probation officer of Taipei district court. He ran as an independent candidate for the National Assembly in the December 1980 elections. He was arrested on 7 March 1981 and charged, two days later, under the Public Officials Election and Recall Law with "inciting people to engage in seditious activities" during his election campaign. He was tried by Taipei District court on 10 April 1981 and sentenced to three years and six months' imprisonment. The evidence against Liu Feng-sung included a pamphlet entitled "Work hard for human rights in Taiwan", in which he examined the extent of personal freedom, freedom of expression, political and economic equality in Taiwan.

Amnesty International has adopted Liu Feng-sung as a prisoner of conscience.

3. People Arrested for their Writings

Although the Constitution of the Republic of China guarantees the rights of freedom of speech, writing and publication, criticism of government policies or views has over the years led to the banning of several publications and the arrest of writers and journalists.

Lin Chen-ting, now in his early sixties, has been detained since 1957. At the time of his arrest, he was editor of the United Daily News, a Chinese language newspaper. Amnesty International believes his detention may be related to the publication

of an editorial entitled, "Protest against the American Army's neglect for Human Rights", published in the newspaper on 25 May 1957 about a mob attack on the US Embassy the previous day. The riot started as a crowd gathered to support a widow who was demanding from the embassy "consolation money" for the loss of her husband, killed by a US soldier who was acquitted of the murder. The editorial is said to be critical of the close relations between the governments of the Republic of China and the USA and is believed to be the direct reason for Lin Chen-ting's arrest.

Lin Chen-ting was convicted of "engaging in seditious activities as a communist agent for the purpose of subverting the government" and sentenced to life imprisonment. He is serving his sentence in Green Island military prison.

Amnesty International considers him to be a prisoner of conscience.

Huang Hua, now in his mid-forties, was arrested in July 1976 and sentenced to ten years' imprisonment for his writings in the Taiwan Political Review. He is serving his sentence in Green Island military prison.

This is the third time Huang Hua has been imprisoned for political reasons. He was detained for more than two years in a reformatory centre from 1963 to 1966. In 1967, he was arrested with 13 others and accused of belonging to a "seditious group". The group was said to be guilty of "wild talk" in a Taipei restaurant and of "scribbling political graffiti and distributing leaflets". Huang Hua was then sentenced to ten years' imprisonment by a military tribunal which tried him in camera. Amnesty International adopted him as a prisoner of conscience. He was released in July 1975 under a general commutation of prisoners' sentences. He then joined the Taiwan Political Review, newly founded by independent politicians, first as associate editor and then as managing editor. The Review was suspended by the authorities after five issues. Unable to find a job, Huang Hua and another of the Review's editors opened a street stall selling noodles.

Huang Hua was re-arrested in July 1976. On 8 October 1976, a military court sentenced him to ten years' imprisonment. The court ruled that Huang Hua had used the Taiwan Political Review to "propagate rebellious thoughts" and that he "attempted to instigate armed rebellion" after the magazine was suspended. In articles in the Taiwan Political Review, and notably in one article published in October 1975, "A Released Prisoner Discusses National Affairs", Huang Hua argued about his right to be involved in politics and advocated the need for a political system of competing parties and the end of martial law, as the only way to avoid uprisings or military coups.

Huang Hua is not known to have been involved in violent activities nor to have advocated violence. Amnesty International has adopted him as a prisoner of conscience.

Li Ching-jung, aged 56, worked on the China Times, a daily newspaper with a wide circulation, from 1960 to 1973, when he reportedly lost his job after writing a series of articles criticizing corruption in the government. He subsequently contributed to various opposition publications and most recently edited the political magazine Fubao Chihsheng, Demo-Voice. It was banned in July 1979 and its publisher, Hung Chi-liang, was arrested the following month because of a visit to the People's Republic of China. Shortly afterwards, Li Ching-jung was interrogated by the military security authorities; he was released without charge after a day.

Li Ching-jung is known for his criticism of the press and aspects of the economic system of Taiwan. He has also, in a number of articles, advocated talks between the People's Republic of China and the Republic of China.

He was arrested by the Taiwan Garrison Command on 26 December 1979 and held incommunicado for two months. Reportedly subjected to prolonged interrogation, he confessed to sedition and spreading pro-communist propaganda. He was tried in an open court by a military tribunal on 25 April 1980 and sentenced to five years' imprisonment.

He is presently detained in Jenai Educational Experimental Institute.

Hung Chi-liang, aged 36, a businessman, was an opposition candidate in the parliamentary elections scheduled for December 1978. (These elections were postponed.) His political platform included a call for the end of martial law, the setting up of a national health system, the reorganization of the Taiwan Garrison Command into a bureau investigating corruption and the suspension of obligatory membership of the Kuomintang for military and police officers. His electoral leaflet also included a translation into Chinese of the Universal Declaration of Human Rights. Starting in 1978, Hung Chi-liang published several opposition political magazines which were all eventually banned or suspended. The best known was Fubao Chihsheng (Demo-Voice).

Hung Chi-liang was arrested by the Taiwan Garrison Command on 30 August 1979 on suspicion of "sedition" in connection with a visit he made to the People's Republic of China in March/April of that year. He was held incommunicado until he was indicted on 22 December 1979 with accepting instructions from the People's Republic of China to promote the idea of peaceful reunification between Taiwan and China in his magazines and to conduct opposition political activities with the profit earned from trade with the People's

Republic of China. He was tried in April 1980 and sentenced to five years' imprisonment. Hung Chi-liang served most of his sentence in Green Island military prison and was recently transferred to Jenai Educational Experimental Institute.

Amnesty International believes Hung Chi-liang is detained because of his political views. There is no evidence he used or advocated violence and Amnesty International has adopted him as a prisoner of conscience.

Chang Hua-min, a 54-year-old historian and writer, was sentenced in January 1980 by a military tribunal to ten years' imprisonment on the charge of making pro-communist propaganda. The charge is based on a petition he wrote to the government in early 1979 in which he argued in favour of the holding of joint talks between the Republic of China and the People's Republic of China, talks which would eventually lead to the peaceful reunification of China. Chang Hua-min is also said to have advocated the opening of postal links with the People's Republic of China. It has also been reported that another reason for Chang Hua-min's arrest in September 1979 was his attempt to smuggle out of the country some of his banned writings. No information was available on Chang Hua-min's situation for months after his arrest. He was reportedly tried by a military court in camera and sentenced at the end of January 1980.

Chang Hua-min was born in Shansi province in mainland China, where he graduated from Shansi University. In 1949, in Canton, he was reported to have organized an "Anti-Communist Save the Country Chinese Youth Alliance". When he arrived in Taiwan, in 1949, he worked as a journalist for the United Daily News, and later for Public Opinion. Chang Hua-min was arrested in 1966 and sentenced to eight years' imprisonment for "successive writings undermining the population's morale and praising the progress accomplished by the Communist regime in China in the field of production". Amnesty International adopted him as a prisoner of conscience. He spent most of his sentence in Green Island military prison. After his release in June 1974, Chang Hua-min taught at the World College of Journalism in Taipei, from which he was later dismissed. He then reportedly did some publishing work with various small magazines. Before his arrest, he was selling ice-water near a popular temple in Taipei. In late 1978, he also temporarily assisted an independent candidate in his election campaign. After his release from prison in 1974 Chang Hua-min published a two-volume book, "An Essay on Chinese Culture", edited "Today's Local Assembly" and other articles which were banned.

Chang Hua-min is not married and has no family on Taiwan. He is detained in Green Island military prison.

4. The Formosa Magazine Case

Mass arrests took place after a Human Rights Day demonstration in the southern town of Kaohsiung on 10 December 1979 (known as the "Kaohsiung Incident"). The demonstration which had been organized by the opposition magazine Formosa ended in violent clashes with the police. The total number of people detained is not known; in January 1980, the Taiwan Garrison Command acknowledged that more than 150 people had been detained.

On 20 February 1980, after almost two months' detention incommunicado, eight prominent figures of both Formosa and the opposition were charged under the Statute for the Punishment of Sedition with planning to overthrow the government by organizing a riot. Their trial by a military court started on 18 March 1980 and lasted nine days. It was open to some local and international journalists as well as observers. Amnesty International sent an observer to the trial. The defendants made statements in court in which they denied the charges and withdrew confessions which they said had been obtained by illegal means, including sleep deprivation, threats, fraud, intimidation and violence. The defendants were all found guilty and given sentences ranging from 12 years to life imprisonment.

In May 1980, 33 others, many of them writers who contributed to Formosa magazine or office staff, were tried on charges of "interference in public functions" or committing "acts of violence or threats" against policemen or directing others to do so. Three defendants were acquitted. The sentences, ranging from ten months' to six years and eight months' imprisonment, were in many cases reduced or suspended on appeal.

Amnesty International adopted most of the people detained in connection with the Kaohsiung Incident as prisoners of conscience as it believes that they were detained for their political beliefs and activities and that there was no evidence that they used or advocated violence, including the following eight who were sentenced on charges of sedition:

Huang Hsin-chieh, aged 55, publisher of Formosa and independent (non-Kuomintang) member of the Legislative Assembly for life, was sentenced to 12 years' imprisonment. He had previously been the publisher of another monthly political magazine, Taiwan Political Review, which was banned after its first issue. Huang Hsin-chieh was regarded as the leader of the attempted organization of independent politicians.

Shih Ming-teh, the 42-year-old General Manager of Formosa, was sentenced to life imprisonment. He had previously spent 15 years in prison on political charges. When released in 1977, he campaigned for independent candidates in elections to provincial or national assemblies. He was the main organizer of the Independent Candidates' Coalition and of Formosa's activities.

Yao Chia-wen, aged 45, lawyer and Circulation Manager of Formosa, was sentenced to 12 years' imprisonment. He also ran a legal aid service in Taipei. In March 1979, he defended Yu Jui-yen, whom

Amnesty International adopted as a prisoner of conscience at his trial on charges of "sedition". Yao Chia-wen had been an independent candidate for the National Assembly December 1978 elections.

Chang Chun-hung, aged 45, independent member of Taiwan Provincial Assembly and Editor-in-Chief of Formosa, was sentenced to 12 years' imprisonment. Once a member of the Kuomintang, he has, since the early 1970s, worked as editor and editor-in-chief of four political magazines, all of which were banned.

Lin Yi-hsiung, aged 42, independent member of Taiwan Provincial Assmehly, Circulation Manager of Formosa and a lawyer, was sentenced to 12 years' imprisonment.

Lin Hung-hsuan, aged 41, administrator of the Kaohsiung office of Formosa, was sentenced to 12 years' imprisonment. He is a graduate in philosophy and theology.

Lu Hsiu-lien, aged 39, Deputy Director of Formosa, was sentenced to 12 years' imprisonment. A Harvard graduate in law, she is also a publisher and a well-known feminist. She was an independent candidate for the National Assembly in the December 1978 elections.

Chen Chu (Ms.), aged 33, Deputy Director of the Kaohsiung office of Formosa, was sentenced to 12 years' imprisonment.

Among those tried by a civilian court, six people adopted as prisoners of conscience by Amnesty International remain in prison. They are:

Chou Ping-ten, aged 44, member of the Committee (editorial) of Formosa and Director of its Kaohsiung office, was sentenced to six years' imprisonment. He ran a Chinese medicine store in Kaohsiung and was also the President of the Kaohsiung Herbal Medicine Association. He was an independent (non-Kuomintang) candidate for the Provincial Assembly in 1977 and for the Legislative Yuan in December 1978.

Tsai Yu-chuan, aged approximately 32, full-time member of the editorial staff of Formosa, was sentenced to five years' imprisonment. He is also a minister of the Presbyterian Church of Taiwan and, as a student, had been leader of a group concerned with Taiwan's political developments.

Chi Wan-sheng, aged 44, member of Formosa Committee, was sentenced to four years and six months' imprisonment. He graduated from Taichung Teaching College and taught history at a high school. More recently, he was a businessman. He has been a candidate for Taipei county and also participated in the election campaign of Yang Ching-chu, who was an independent (non-Kuomintang) candidate, was a co-defendant in the case and has also been adopted as a prisoner of conscience by Amnesty International.

Chiu Mao-nan, aged 41, Director of the Pingtung branch of Formosa and member of its Committee, was sentenced to six years' imprisonment. He also ran a rice-milling shop in Pingtung, part of which he allowed to be used as an office for the magazine. At the time of his arrest he was serving his third term as a member of the Pingtung County Council and had been an independent (non-Kuomintang) candidate in several elections including the one for the National Assembly in December 1978.

Wang T'o, aged 39, member of Formosa Committee, was sentenced to six years' imprisonment. He is a writer and several of his works were banned prior to his arrest. In December 1978, he ran as an opposition (non-Kuomintang) candidate for the National Assembly in the supplementary elections to national bodies.

Wei Ting-chao, aged 47, Editor of Formosa, was sentenced to six years' imprisonment. He graduated from the Law Department of National Taiwan University and was arrested for the first time in 1964 for cooperating with his professor and a fellow-student in drafting and printing leaflets criticizing the government's policies. He was sentenced to eight years' imprisonment but was released in 1969. He was arrested again in 1971 for political activities, and was released in 1976.

Amnesty International also adopted as prisoners of conscience five people charged with having helped Shih Ming-teh, the General Manager of Formosa (see above, page 14), to escape arrest or with not having reported him to the police. They were sentenced in June 1980 to terms of imprisonment ranging between two and seven years. Four co-defendants were given suspended sentences.

Two of the prisoners were released at the end of their sentences; another was released on parole on medical grounds in October 1983. The remaining two are still detained, having each been sentenced by a military tribunal to seven years' imprisonment for "harbouring a seditious person". Amnesty International believes they were imprisoned for non-violent activity enacted out of humanitarian concern and following their personal consciences, on behalf of a possible prisoner of conscience facing the death penalty if arrested and tried. They are:

Rev. Kao Chun-ming, aged 54, Secretary General of the Presbyterian Church in Taiwan; and

Hsu Ching-fu, aged 48, manager of a film company and of 2 film theatres in Kaohsiung.

A related case of concern to Amnesty International is that of:

Wang Hsien-he, aged between 40 and 50, Deacon of a Presbyterian church in Luteh (in Taiwan), who was arrested on 26 August 1980 for reportedly having expressed criticism at the length of the sentence imposed on Rev. Kao Chun-ming. He was sentenced to five years' imprisonment and has been adopted as a prisoner of conscience by Amnesty International.

5. Other Cases

In several trials of people charged with sedition, the prosecution evidence included reference to the defendants' political activities while abroad. One such case is that of:

Yeh Tao-lei (Rita Yeh), 32, who graduated in sociology from Fu Jen Catholic University in Taiwan in 1975. The following year she went to the USA for post-graduate studies. According to reports, while in the USA, she mixed socially with people of various backgrounds and political views and, having greater access to information, read about the People's Republic of China and began to question the political and social system in Taiwan. Upon her return to Taiwan in 1978, she worked in factories for a while, then with the Kachsiung "Life Line", a telephone counseling service, and began to research suicide under the supervision of a college professor. She also made contact with opposition politicians and is believed to have announced her intention to stand as an opposition candidate in the elections scheduled for the end of 1980. When she was arrested, she was teaching at an industrial college in Tainan.

Yeh Tao-lei was arrested by the Taiwan Garrison Command on 9 September 1980. During two months of incommunicado detention, she reportedly confessed to the charges against her. The indictment, brought against her on 17 November 1980, accuses her of having been recruited in 1977 to work for the United Front Department of the People's Republic of China. She was accused of bringing back to Taiwan microfilms of communist books in order to propagate communist ideas. On 12 January 1981, she was sentenced to 14 years' imprisonment. She is detained in Jenai Educational Experimental Institute.

Amnesty International adopted her as a prisoner of conscience as it believes that her social and political activities in the USA and Taiwan were consistent with her right to freedom of expression and association.

Amnesty International is also investigating the cases of prisoners convicted after unfair trials but about whom it has otherwise little information. One such case is that of:

Chu Tse-chao, who was born in 1926 on the Chinese mainland. In 1944, he graduated from the Central Military Academy. He later fought in the Sino-Japanese war. He fled to Hong Kong in 1950, then migrated to Taiwan in 1951, where he eventually set up his own watch business in 1960 and, in 1963, a film import company, the Tongtai Movie Film Corporation, of which he was co-owner.

Chu Tse-chao was arrested in November 1975 and interrogated by the Taiwan Garrison Command about his alleged work for the Chinese Communist Party. Chu's interrogation led to the arrest

of several of his colleagues in 1976. Their trial took place before a military court from April to July 1977. Chu Tse-chao was specifically accused of introducing several of his co-defendants to the communist party and of instructing them to pass on information to communist agents on the occasion of business trips. He was also accused of having spent three months in Indonesia to receive communist training.

While Amnesty International has little information about Chu Tse-chao's political views and the likely reasons for his arrest, it is seriously concerned about reports that he was tortured during interrogation. According to reports received by Amnesty International, Chu had his nails pulled out; in the summer of 1977, he was reportedly still wearing a glove on his left hand. Amnesty International is further concerned at the delay between his arrest and his trial and about the use of his confession, believed to have been obtained under torture, as main evidence to convict him of sedition.

Chu Tse-chao was sentenced to 15 years' imprisonment and is serving his sentence in Green Island military prison.

Amnesty International continues to call on the authorities to order Chu Tse-chao's fair and open retrial.

Taiwan Long-term POCs out on parole

Six people adopted by AI as prisoners of conscience, who were sentenced to life imprisonment in 1950 on charges of "pro-communist activities", were released on parole in February and March 1983.

They are Wang Ju-shan, aged 60, Wang Wei-ching, 50, Li Kuo-min, 65, Chu Hwei-huang, 54, Hsieh Chiu-lin, 58, and Wang Yong-fu, 56.

A seventh prisoner of conscience, Wu Yuch-ming, 62, who was released from detention on medical grounds in April 1982 was formally released on parole on 10 February 1983.

Two other prisoners, about whom AI has little information, were released in March.

All the released prisoners are reported to be in poor health.

In October 1982 the Defence Minister announced in parliament that the government was reviewing the cases of 22 prisoners detained on charges of sedition for more than 30 years with a view to releasing them on humanitarian grounds (see December 1982 *Newsletter*).

Department of State, USA

Human Rights

TAIWAN

Taiwan's polity is dominated by the Nationalist Party (Kuomintang or KMT) in what is essentially a one-party authoritarian system, although there is a vocal opposition with a wide range of popular support. The Taiwan authorities, who claim to be the government of all of China, maintain the full array of central political bodies originally established on the Chinese mainland under the 1948 Constitution. In some ways these are vestigial, but supplemental elections have increased their vitality by bringing the addition of younger members in recent years. In particular, the Legislative Yuan is evolving into a forum for questioning policy, though still lacking power to change it. In addition to these central bodies, a range of functioning democratic institutions from the village to the province level has been created in Taiwan. Nevertheless, effective power remains in the hands of the small leadership group from mainland China whose members came to Taiwan after World War II. This aging elite runs the KMT, the military, the security apparatus, and the executive bureaucracy, under a limited Constitution whose major democratic provisions have been circumscribed by the martial law provisions enacted in 1949. The authorities justify martial law as necessary to counter the threat of military action or subversion from mainland China.

Throughout the past 34 years, Taiwan's authorities, while firmly controlling the political system to ensure stability, have promoted economic development. Taiwan's vibrant, largely free enterprise economy has been one of the fastest growing in the world in recent decades. Its per capita gross national product of over \$2,673 ranks fourth highest in East Asia and is accompanied by high standards of education, health, and nutrition.

Political evolution has occurred on Taiwan, but it has not kept pace with economic development. Human rights are publicly endorsed, but incompletely realized. Although tolerated, opposition activity is restricted. The expression and publication of opposition political views is controlled and opposition activities are monitored, both at home and, apparently, abroad. Native Taiwanese, descendants of Chinese who migrated from the mainland in the seventeenth and eighteenth centuries, dominate the private economy but, although they now constitute 85 percent of the population, are still underrepresented at the upper levels of the ruling elite. Dissatisfaction of many on Taiwan with mainland domination has resulted in demands for more representative government. The increasing prevalence of higher education, foreign travel, and access to news from abroad has accentuated the felt need for political development, particularly among the youth.

In 1984, the dramatic human rights violations that have marred Taiwan's record in the past were absent. The slow trend toward human rights improvements continued. The authorities continue gradually to recruit increasing numbers of qualified Taiwanese to fill important economic, political, military, and security posts. The expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues.

The remaining 13 long-term prisoners at the Green Island Military Prison who had been convicted of sedition 30 years ago were released during 1984. The last of the Kaohsiung

TAIWAN

Incident prisoners sentenced by civilian courts were released, while four who had been sentenced by military tribunal were given improved conditions after a brief hunger strike. In November, one of the latter, Lin Hung-hsuan, was transferred to the Green Island Military Prison.

In the first half of the year confrontation developed over the issue of press freedom when proliferating opposition publications printed a rash of articles on a number of traditionally sensitive topics. The authorities responded with increased bannings and confiscations. However, although there are strict limits to what is acceptable, critics of the political system and its policies have some freedom to express their views.

The unresolved conflict with the People's Republic of China (PRC) over Taiwan's future fuels local authorities' concerns which, in turn, influence human rights practices. However, the outlook for continued improvement in human rights appears favorable.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There are no reports of any killings for political reasons taking place on Taiwan in 1984. The questionable circumstances surrounding the July 1981 death of Carnegie-Mellon Professor Chen Wen-cheng and the February 1980 murder of the family members of opposition politician Lin Yi-hsiung remain unresolved.

b. Disappearance

In recent years, there have been no substantiated reports of persons being abducted or secretly arrested by the security services.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Taiwan law specifically prohibits the use of torture. The Code of Criminal Procedure and the Military Trial Law state that an accused shall be "frankly" examined but that no violence, threat, inducement, fraud, or other improper means shall be used. Many observers point out that, in practice, individual members of the police or security forces at times resort to physical violence in interrogating suspects.

The May 1982 death in police custody of a Taipei taxi driver, Wang Ying-hsien, focused public attention on the use of physical violence by police in interrogating criminal suspects. Although Wang's death was officially declared a suicide, five policemen were eventually tried and sentenced for illegally arresting Wang and causing him bodily harm. However, no one convicted of wrongdoing in this case has yet spent any time in prison and the convictions are presently being appealed to the Supreme Court.

Taiwan's civilian prisons are severely overcrowded. According to an October 15, 1984, Ministry of Justice report, civilian prisons built to accommodate 15,983 prisoners were holding

TAIWAN

22,908. Because of this overcrowding, prisoners are forced to share cramped living quarters and have few opportunities for work, exercise, and family visits. Even the opening of additional facilities has not provided adequate space.

In 1983, local officials and observers estimated that up to 40 percent of the inmates were serving sentences for writing bad checks. The improved economic conditions of 1984 have reportedly reduced this figure. The expected approval by the Legislative Yuan of a bill that will delete criminal penalties for writing or passing bad checks should further alleviate some of the prison overcrowding.

The security police-administered military prisons, where political prisoners are confined, are reportedly less crowded. Prisoners are said to receive the same food as soldiers and to have work and recreation opportunities.

Conditions for the Kaohsiung Incident prisoners have reportedly improved for those imprisoned for their involvement in events related to the December 1979 Kaohsiung Human Rights Day rally, which degenerated into a violent confrontation between police and participants. Eight participants were convicted of sedition in a military court and an additional 33 were convicted in a civilian court of lesser charges. A separate group of ten persons was sentenced by a military tribunal for harboring a Kaohsiung Incident fugitive.

By the end of 1984, all of the Kaohsiung Incident prisoners sentenced by civilian courts had been paroled or had completed their sentences. In May, 1984, four of the Kaohsiung Incident prisoners, who had been sentenced by military tribunals, launched a brief hunger strike to protest, among other things, their continued confinement and the conditions of their confinement. After abandoning the strike, the four were transferred to another military prison facility in June. According to relatives, they now occupy more spacious cells with better ventilation and have access to newspapers, television, and a writing desk. Relatives complain, however, that the remaining prisoners continue to be denied access to regular work programs and recreational activities. They also charge that health care is inadequate. The authorities deny these charges, claiming that curtailed activities and contact are aimed at protecting the prisoners from possible harm from other inmates and that medical care is the same for all prisoners.

On November 7, 1984 one of the four prisoners, Lin Hung-hsuan, was transferred to the Green Island Military Prison for what the authorities described as violations of prison regulations and activities which had a bad affect on the morale of other prisoners. According to the authorities, Lin refused to submit regular reading reports, ridiculed other prisoners' reading reports, spread untrue rumors, and violated the 300 word limit on the length of a prisoner's letters to his or her family.

d. Arbitrary Arrest, Detention, or Exile

Taiwan's "habeas corpus" law requires that within 24 hours after the time of arrest, the arresting authorities notify in writing the individual and his designated relative or friend of the reason for his arrest or detention. The Code of Criminal Procedure, which does not apply to martial law offenses, specifies that the authorities may detain an accused

TAIWAN

person for up to two months during the investigation phase prior to the filing of a formal indictment, and for up to three months during the trial. During the investigation phase, however, the prosecuting officer may apply to the court for one extension of two months. The period of detention may also be extended during the trial. In recent cases, including the Kaohsiung Incident, the authorities generally have followed these procedures and extended the periods of detention. Exceptions occur more frequently in the military courts. Individuals indicted for relatively minor criminal offenses can, at the discretion of the judge, be released on bail.

Since the July 1982 revisions in the Code of Criminal Procedure, suspects are guaranteed the right to have a lawyer present during interrogation and to legal counsel during the investigation phase. In some cases, windows and even closed circuit cameras have been installed in police station interrogation rooms to permit lawyers and family members to view the interrogation without hearing the questioning. Lawyers are not permitted to provide legal counsel during police interrogation nor do the individuals arrested by security services have the right to have a lawyer present during interrogation. Furthermore, they do not have the right to legal counsel until after they have been formally indicted.

Other revisions enacted in July 1982 augment police powers, permitting the police legally to arrest without a warrant anyone they suspect of committing a crime for which the punishment would be five years or more in prison. Police power was further increased to allow them to call in suspects or witnesses for questioning without a formal summons. The authorities justify these new measures by insisting that the revisions only legalize long-standing police practices. Critics in the legal establishment, the press, and among elected officials have denounced these powers and called for their repeal.

Many minor crimes in Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute and punish offenders. This law sometimes has been used against political activists. The provisions of the statute empower the police to impose and carry out sentences of up to two weeks imprisonment.

e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models which do not incorporate trial by jury. Under a 1980 judicial reorganization, district and high courts were shifted from the control of the executive branch to the judicial branch, thereby formally separating the courts from the prosecution function. Taiwan legal circles generally hold that the change has given the judiciary somewhat greater independence. Over one-half of all eligible cases are appealed and reviewed. Informed observers characterize the judiciary as basically independent, although susceptible to pressure from the authorities on whom they depend for career advancement. Under martial law, which has been in effect in Taiwan since 1949, civilians who commit certain offenses, including sedition, may be tried in military courts. The authorities occasionally transfer "important" civilian cases (involving such crimes as homicide, kidnapping, and armed robbery) to the military courts. The authorities state that the military courts'

TAIWAN

swifter and generally more severe justice acts as a deterrent to potential criminals. Sentences meted out in the military courts are reviewed only within the Ministry of National Defense. Neither civil nor martial law specifically provides the defendant with protection from self-incrimination.

Following the traditional Chinese pattern, in a typical criminal court case parties and witnesses are interrogated by a single judge (in high court sessions by the chief judge) but not by a lawyer or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Court cases are generally heard through several brief court sessions. In high court appellate proceedings new evidence may be introduced and the judges's review of district court judgments covers both fact and law. Individuals convicted in cases where the sentence exceeds three years have the inalienable right to judicial review by the Supreme Court. Those tried in military courts do not have this right. The Supreme Court limits its review to the law of the case, and to specific procedural aspects.

The authorities deny holding political prisoners. Although exact figures on the number of political prisoners are not obtainable, in a written statement issued on June 18, 1984, the Executive Yuan (Cabinet) stated that 117 civilians tried by military court are currently serving their sentences in military penal facilities for sedition, revealing military secrets, corruption, and robbery. Prisoners such as the Kaohsiung Incident prisoners are classed among those in the "sedition" category. The authorities define sedition as opposition to basic policy. This includes expressing Communist sympathies, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan.

In January, the authorities released 11 long-term Green Island prisoners. With one exception, these prisoners had been imprisoned on Green Island since their 1950 conviction for sedition. Lin Shu-yang and Li Chin-mu, the two remaining prisoners convicted of sedition in the early 1950's, were released in December.

In 1984, the authorities granted early parole to four prominent Kaohsiung Incident prisoners who had been sentenced by military tribunals. On August 15, Reverend Kao Chun-ming, Lin Yj-hsiung, and Hsu Ching-fu were paroled. In addition, Ms. Lin Wen-chen, who had been on medical parole since September 1983, was granted regular parole status. Seven of the Kaohsiung Incident prisoners, all of whom were tried in military courts, remain in prison. One, as previously noted, was transferred to Green Island on November 7, 1984.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The daily life of an individual not actively engaged in politics is subject to only minor interference by the authorities. The authorities impose limits on the use of the Taiwanese dialect (the mother tongue of most inhabitants on Taiwan) on television and radio. Romanized Taiwanese versions of the Bible are not permitted. The authorities do not interfere with basic family matters such as the right to marry or have children as one chooses. Membership in the KMT, the dominant political organization, is a matter of free choice.

TAIWAN

Access to institutions of higher education is based entirely on academic achievement.

Physical invasion of the home without a warrant is not common practice in Taiwan but does occur on occasion. As noted in Section 1.d., the Code of Criminal Procedure generally requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule have substantially increased following the July 1982 revision of the Code to provide for warrantless arrests under certain circumstances. When making such arrests, police may also search persons or property without prior authority.

Other types of violations of privacy, such as the monitoring of telephone calls, are widely believed to exist. The authorities deny that they monitor telephone conversations. In June 1982, the authorities declared "selective postal checks" necessary to intercept parcel bombs and illegal correspondence from the PRC.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech. Current martial law restrictions, however, significantly limit this right.

Individuals are not free to question publicly the regime's basic political policy of anti-Communism or its claim to sovereignty over all of China. Critics maintain that the security authorities monitor political expression, both in Taiwan and overseas.

Anyone who speaks favorably of Communism or the PRC, or questions the legitimacy of Taiwan's mainlander authorities by suggesting support for "Taiwan independence," can expect to be warned. If they do not desist, they are likely to be charged with sedition and tried in a military court. Nevertheless, since the 1983 Legislative Yuan elections, the concept of self-determination, which calls for substantially greater power to the electorate, and a variety of other sensitive issues which question the legitimacy or competence of the authorities, have been debated publicly.

There have been recent reports that Taiwan agents keep tabs on Taiwanese in the United States suspected of being pro-PRC or pro-Taiwan independence. The latter is the label often applied by the Taiwan authorities variously to those who favor a Taiwan independent of China, those who are pro-PRC, or those who oppose Mainlander/KMT domination of political life on Taiwan.

On October 15, 1984 Henry Liu, a U.S. citizen journalist of Chinese descent whose writing had often been critical of Taiwan's leadership and KMT governance of Taiwan, was murdered in the driveway of his Daly City, California home. According to Taiwan press reports, information which came to the attention of the Taiwan authorities as a result of an anti-gang sweep in November 1984 led to their announcement on January 15, 1985, that staff of the Intelligence Bureau of the Ministry of National Defense (IBMND) were implicated in the

TAIWAN

Liu case. The authorities suspended the head of the IBMND, ordered an immediate investigation of alleged IBMND involvement, and reaffirmed their commitment to cooperate with U.S. law enforcement authorities investigating the Liu case. Those investigations continue.

Debate over the limits of parliamentary immunity erupted in March 1984, when it became known that the Executive Yuan in November 1983 had advised the Ministries of Defense, Justice, and Interior that parliamentarians could be held liable for those opinions they expressed in the Legislative Yuan which are later used by them or others in books or speeches. Members of the opposition objected that the Executive Yuan had no legal right to interpret a constitutional issue such as parliamentary immunity and was actually trying to clamp down on the opposition's practice of citing hard-hitting statements made in parliamentary bodies to bolster political speeches and articles. Furthermore, they argued that to be held liable for a third party's improper use of their remarks made in the Legislative Yuan makes parliamentarians hostage to the actions of others. The issue is now before the Supreme Court for adjudication.

All major newspapers are owned by the authorities, the KMT, or high KMT officials. There are, however, a variety of smaller, privately-owned, and independent newspapers. Control over the daily newspapers is often exercised indirectly, through guidance from the local authorities' information office, the KMT and, as in the past several years, by freezing the number of newspaper licenses. In addition, reporters and editors exercise a considerable degree of self-censorship. Nevertheless, newspapers have expanded their coverage of sensitive subjects, such as news from mainland China and controversial views of U.S. citizens of Chinese origin.

Censorship of publications is carried out through provisions of the Publications Law, which empowers the security police to seize or ban printed material that "confuses public opinion and affects the morale of the public and the armed forces." As interpreted by the authorities, this covers a wide range of topics, including articles that discuss possible leadership changes, question the legitimacy of KMT rule, criticize Taiwan's foreign policy, or merely reveal behind-the-scenes news that is potentially embarrassing to the leadership.

Although the limits of acceptable criticism are not clear-cut, opposition publishers generally know when an issue of their magazine is courting a ban. They select their material cautiously but are willing to court banning in order to test the limits. There are political, and even sometimes financial, rewards for being banned. A ban of a single issue guarantees a sellout if the ban occurs after the magazine has been distributed. Or, if the magazine is seized at the printer, publishers have been known to arrange a "pirate" version of the banned magazine. Most publishers have several titles registered with the authorities so that, in practice, publications hit by lengthy bans, such as one year, are quickly resurrected under another title.

Since 1982, the authorities have allowed an increase in the number of domestic political opinion magazines, many of which support non-KMT politicians and criticize the ruling party. The magazines are an important forum for getting opposition

TAIWAN

views across to the public since there is a limit to the number of newspaper licenses available (31), and all are presently taken. The number of issues of non-KMT magazines mushroomed in 1984, as five of the seven established periodicals changed from a monthly/fortnightly format to a weekly one. In addition, at any one time a half dozen new periodicals (often short-lived) were making their debut on the newsstands. This dramatic rise in the quantity of publications was accompanied by a similar jump in the tempo of bannings. According to unofficial statistics, from August 1, 1983, to August 1, 1984, the authorities banned a total of 13 magazines for one year, plus 40 individual magazine issues, a significant increase over the same period in 1983. According to opposition publishers, banned magazines are more subject to partial or full confiscation than in past years. Opposition publishers report that full confiscation of one issue can result in a \$7,500 loss--a considerable sum for many of these publishers.

The authorities argue that most banned issues--particularly those banned from March to July 1984--carried poorly researched articles which distorted facts and sullied the reputation of many leading KMT figures. By August, the confrontation had abated. Opposition publishers toned down this "sensationalism" and the authorities eased the pace of their bannings. Critics of the regime denounce censorship as simple political harassment. The heavy pace of bannings sparked a renewed cry in publishing and political circles (both KMT and opposition) for a detailed set of publishing guidelines. These guidelines have not been, and are unlikely to be, established.

The authorities occasionally ban books. Although the writing of pre-World War II Chinese pro-Communist authors are formally banned, a few of their famous works are obtainable.

Foreign publications are available but are also subject to censorship. Sometimes pages carrying articles offensive to the authorities are removed or blacked out before they are distributed. Some foreign publications are available through subscription only and are not allowed to be sold on newsstands. From time to time an entire issue will be withheld from distribution.

The authorities partially or wholly own all three of the island's television stations. Nonetheless, competition among them, as well as competition with the print media, has led to a general gradual expansion of the coverage of sensitive topics, both domestic and international. Public opinion has also played a role in expanding media coverage. During the Los Angeles Olympics, public pressure pushed the television stations to report more fully, as did the newspapers, the performance of PRC athletes.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. In practice, permits are generally issued for non-political assembly. Public assembly for political purposes, except during elections, is often prevented under martial law provisions. During the first half of the authorized 15-day campaign period preceding the 1983 elections, all candidates

TAIWAN

were allowed to hold rallies, although these were closely monitored by the authorities. During the second half of the 15-day period, campaigning was limited to highly structured, officially sponsored rallies in which both KMT and opposition candidates participated.

The revised election and recall law, which the Legislative Yuan passed on June 28, 1983, prohibits holding campaign rallies in any form prior to the authorized 15-day period. The law also outlaws joint rallies of two or more candidates during the campaign period, except for officially sponsored rallies. Opposition politicians have been sharply and openly critical of these measures, claiming they hinder their ability to reach the electorate.

A 1983 survey conducted by National Taiwan University reports that 22.5 percent of the labor force holds union membership. By and large, labor unions generally do not exercise significant influence either in the economic or political spheres. However, according to the reports of informed observers, union officials serving in the Legislative Yuan did play an important role in negotiating the difficult July 19, 1984, passage of the more liberal benefits provided for under the 1984 Labor Standards Law. The law improved standards for working hours, salary benefits, worker welfare, and retirement for over 3 million workers.

Walkouts and strikes are prohibited under martial law. Collective bargaining, although provided for by legislation, does not in fact take place. Individual factory unions do, however, facilitate the resolution of disputes. It is generally believed that labor unions--especially general federations--have close ties with the ruling KMT. Taiwan's largest federation, the Chinese Federation of Labor, maintains contact with the International Confederation of Free Trade Unions.

c. Freedom of Religion

The Constitution guarantees freedom to practice religion. This guarantee is observed in practice. All denominations have full freedom to pursue their purely religious activities. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, Animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no state or favored religion. Some marginal Buddhist sects and Sun Myong Moon's Unification Church have been banned in response to parents' complaints that these groups were exercising a corrupting influence on Taiwan youth.

Kaohsiung County authorities have been involved since 1980 in a dispute with a denomination called the New Testament Church over the right of church members to settle on a tract of land in southern Taiwan near Kaohsiung. After the authorities evicted church officials and followers from a tract of leased public land, the church accused them of engaging in religious persecution. Kaohsiung County authorities contend that the church violated the terms of a 10-year lease, thereby making it necessary to evict them. District and high courts have upheld this position. Seven church members were sentenced to six months imprisonment for refusing to vacate the disputed area. In August 1984, the Supreme Court upheld these convictions.

TAIWAN

While generally respecting the right to practice religion, the authorities have brought pressure to bear against religious organizations they consider to be involved in unacceptable political activity. The Presbyterian Church in Taiwan, (PCT), which has approximately 190,000 members and is predominantly Taiwanese, has been a prime target. In 1977, the church called on the authorities to "face reality and to take effective measures whereby Taiwan may become a new and independent country." Although the church did not reiterate this appeal in 1984, it did call on the authorities to "thoroughly implement democracy, respect human rights and safeguard the future of the people of Taiwan." These calls have put the church on a collision course with Taiwan's mainland-controlled political establishment. The early parole of PCT General Secretary Reverend Kao Chun-ming, imprisoned since 1980 for harboring Kaohsiung Incident fugitive Shih Ming-te, has been taken by many as indication that the confrontation between the church and the authorities has moderated. However, relations, although improved, remain strained.

On June 26, 1984, the Tainan city government, acting on instructions of the Ministry of Education, ordered the Tainan Theological College of the Presbyterian Church of Taiwan to cease operations. The directive was ostensibly issued because the college failed to meet certain regulations regarding enrollment, curriculum, and diplomas. However, observers close to the issue have concluded that the order to cease operations stemmed in large part from the authorities' displeasure with the college for identifying with opposition activities. The order was rescinded in August following negotiations.

The authorities announced plans in 1984 to resubmit a revised draft of the "Law for the Protection of Religions." This will mark the fourth submission since 1979. Each time, strong opposition from all church groups on Taiwan induced the authorities to withdraw the draft. Critics note that past drafts gave the authorities the right to review the appointments of church officials, to ensure religious doctrines conform to "basic national policy" and to require foreign religious missions to pledge not to engage in non-religious activities. The authorities argue that the law's regulatory powers are necessary to ensure that religious activities do not jeopardize Taiwan's "national security." They have, however, declared that they will consult with representatives of Taiwan's various religious denominations before submitting a new draft law for legislative approval.

There were indications in 1984 that the authorities may have begun to adopt more stringent policies regarding the activities of foreign missionaries. Several missionary organizations have reported difficulties obtaining entry visas for new missionaries wishing to come to Taiwan. A visa for a new arrival reportedly is not issued until a resident missionary leaves Taiwan. The authorities maintain that there has been no attempt to restrict the number of foreign missionaries on Taiwan.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence. Except for military and other restricted areas, there is general freedom of internal travel in Taiwan.

TAIWAN

Emigration and private travel abroad have become freer since 1979. In 1983, 674,578 Taiwan residents went abroad for tourism--a 5.3 percent increase over 1982. Since 1980, businessmen have been permitted to travel to, and do business directly with, certain Eastern European countries. Although travel to the PRC is officially prohibited, the authorities overlook some discreet travel to the mainland by people with clear anti-Communist credentials. After the last calendar day of the year in which they turn 15, males may not leave Taiwan until completion of compulsory military service.

Permission to leave Taiwan may be delayed or withheld, according to an April 11, 1984, statement by the Director General of the National Police Administration. In February 1984, the Entry and Exit Permits Control Bureau currently had instructions to block exit permits for more than 6,000 persons. According to statistics released by the National Police Administration, those prohibited from leaving Taiwan include: 1,482 persons involved in tax cases, 1,761 involved in civil or criminal cases, 452 involved in economic crimes, and over 2,200 involved in cases related to military service. The statistics also include 91 persons prohibited from leaving Taiwan by military prosecutors either for having had contact with seditious organizations or because they are cooperating in an investigation with security implications. Although outspoken critics in the past have been denied exit visas, in recent years a number of persons openly critical of the KMT have been permitted to travel overseas.

In general, the authorities recognize the right of those Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Those issued "overseas Chinese" passports do not automatically have the right to travel to Taiwan for permanent residence. In principle, Taiwan will not authorize the entry of Chinese between the ages of 16 and 75, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding five years.

On January 19, 1984, the Executive Yuan authorized the appropriate authorities to detain or revoke Taiwan passports of persons whose behavior violates the interests of Taiwan, endangers security, public order, tradition, or Taiwan's economic interests. Critics of the measure protest that it gives the authorities the power to revoke the passport of any person who makes remarks overseas that are deemed inimical to Taiwan's interests. This, they argue, places undue restriction on the opposition's right to travel and to make their views known outside Taiwan. The authorities defend the measure as designed to curb the activities of economic criminals--tax evaders, persons engaged in illicit activities, and individuals who have left large debts behind in Taiwan. Although Taiwan authorities deny charges that political activities of Taiwanese residing abroad are systematically monitored, there are credible reports that prominent Taiwanese critics of the regime returning to Taiwan to live or visit have been intercepted at the airport by security agents and warned that they face expulsion if they participate in anti-regime activity while in Taiwan.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 an estimated 5,183 ethnic Chinese from Indochina have been resettled in Taiwan, and 1,977 small boat refugees from Indochina have been granted "temporary" refuge.

TAIWAN

All small boat refugees have resettled in third countries, with the exception of 57 who found sponsors and resettled on Taiwan. Another 94 small boat refugees live in a refugee camp awaiting resettlement. The authorities report that there have been no refugee cases from non-Communist areas. They advise that any such instances would be dealt with on a case-by-case basis. Refugees are not forced to return to their country of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Effective political power resides with the aging KMT leadership which fled the mainland in 1949. Reflecting their claim to be the government of all of China, the authorities maintain not only a provincial and local government system, but also an array of political bodies identical to those found on the mainland prior to 1949. The locus of power on Taiwan is the Presidency, the Executive Yuan, and the KMT Central Standing Committee. This power is exercised by a small number of top figures in these organizations, particularly by the President. Although the number of Taiwanese in the Cabinet and the Central Standing Committee has been gradually increasing, they are not yet the power wielders within these bodies. Hence, although Taiwanese hold a number of prestigious positions--the Vice President, Vice Premier, a number of ministers, the Governor of Taiwan, and the Mayors of Taipei and Kaohsiung are all Taiwanese--their power individually, and even their collective influence, is limited. However, as representatives of the majority population, their views form an important consideration as the leadership decides on policies affecting the population. The Taiwanese have greater effective power at the local level, where they hold most of the executive and KMT party positions.

The most important elective bodies at the central level are the National Assembly, which convenes every six years to elect the President and Vice President, and the Legislative Yuan, which is the Parliament. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue to hold their seats and to form the bulk of these bodies' memberships. Beginning in 1969, periodic "supplementary elections" have been held to choose additional representatives from Taiwan province and the off-shore islands (which are considered part of Fukien province). Nevertheless, only 1,036 out of 2,691 seats of the National Assembly are currently filled, including 75 supplemental members. Of the Legislative Yuan's current membership of 360 (compared to an original membership of 760), the supplemental legislators number 71 and constitute the most active group in the Legislative Yuan, due in most part to the advanced age and incapacity of those elected 35 years ago on the mainland.

The nature of the elective bodies continued to spark calls in 1984 by both opposition and KMT politicians, academicians, journalists, and legal experts for the National Assembly, the Legislative Yuan, and Control Yuan (similar to the U.S. General Accounting Office) to be made more representative of Taiwan's polity. The authorities are extremely reluctant to adopt any measures that might undercut the mandates of those parliamentarians who were elected on the mainland in the late 1940's as to do so could call into question the authorities' claim that these bodies represent all of China.

TAIWAN

At various times over the past decade, prominent political and academic figures have called on the authorities to fill vacancies in these bodies by appointing or electing mainlanders living on Taiwan. In 1984, the National Assembly, acting in accordance with an earlier decision taken by a blue ribbon ad hoc committee, did not endorse any proposals to fill the vacancies. By delaying consideration of the issue until its next meeting--which is not scheduled until 1990--the National Assembly has implicitly paved the way for representatives elected on Taiwan to play an increasingly important role in parliamentary bodies. Political and academic circles hailed the decision as an important step toward making the political system more representative, since leaving vacancies open increases the proportion and influence of the supplemental members.

The authorities appoint the Taiwan provincial governor and the mayors of Taipei (since 1967) and Kaohsiung (since 1979). Nevertheless, elections pitting KMT, independent, and opposition candidates have been held regularly for the Provincial Assembly and all county and municipal level offices since 1950. Universal suffrage exists for citizens 20 years of age and over. Voter turnout--voting is voluntary--runs over 70 percent.

One party, the KMT or Nationalist Party, dominates Taiwan, as it has since 1945. There are also two nominally independent parties which came from the mainland. Although KMT structure and control mechanisms are based on early Soviet models, the party's operations are considerably more flexible. Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. People who arrived from the mainland after 1945 dominate the highest echelons of the KMT. Native-born Taiwanese predominate at local levels and are playing an increasingly important role in the middle and higher levels. Native Taiwanese comprise more than 70 percent of the KMT's total membership of approximately two million, and 66 of the 71 elected supplemental members in the Legislative Yuan are native-born Taiwanese.

In the 1983 Legislative Yuan elections, the KMT won slightly over two-thirds of the vote and 61 seats. The opposition and independents won six and four seats respectively. The opposition's influence exceeds its small presence. Its members are quite vocal in these elective bodies, which, in turn, provide important forums for the expression of opposition views.

New political parties are forbidden under martial law. Candidates who oppose the KMT in elections run as "non-party" (dangwai) candidates. Although not permitted to form a party, the dangwai politicians organized "Campaign Assistance Groups" at the central and regional levels to contest the 1983 Legislative Yuan elections. In 1984, the opposition established a "Dangwai Public Policy Research Association" (DPPRA) and the "Dangwai Writers and Editors Association." Officials of the former have stated that the authorities are opposed to the DPPRA and have not permitted it to register because the "Law Governing the Organization of Civic Bodies During the Extraordinary Period" permits only one organization per function to register; the authorities claim that because a Public Policy Research Association had been registered earlier

TAIWAN

in 1984, the DPPRA can not now be registered. On November 21, 1984, Interior Minister Wu Po-hsiung, in a statement to the Legislative Yuan, called for the DPPRA to disband. The press has reported that DPPRA officials are contemplating court action to challenge the constitutionality of the civic bodies law.

The opposition faces several disadvantages in the election process. The election law enacted in 1980 forbids the participation of students, formerly a prime source of campaign workers, and limits the campaign period to 15 days before an election. It allowed only officially sponsored joint rallies in the last few days before an election. The revised election and recall law enacted on June 26, 1983, abolished joint rallies and pre-campaign "get-togethers," campaign tactics favored by the opposition. The law also placed ceilings on campaign expenditures, political contributions, and the quantity of campaign paraphernalia. The opposition argues that these provisions further reduce its ability to compete with well-financed, well-organized KMT candidates, and hinder contact with the electorate. Oppositionists label as ineffective the newly adopted provisions penalizing candidates for vote buying and bribery.

Press self-censorship leads the media to give less publicity to the views of the opposition and thereby further handicaps dangwai candidates. Periodicals which have emerged as an alternative method for publicizing the views of opposition candidates are frequently censored and occasionally banned by the authorities.

The 1983 revisions to the election law also changed the method of indirect election of members of the Control Yuan (which exercises powers of impeachment, censure, and audit), two of whose 74 members are dangwai representatives. Under new election procedures, electors (members of the Provincial Assembly and various county and city councils) must cast their two mandatory votes for two separate candidates, thereby making it impossible for opposition members to pool their limited votes behind one candidate. Supporters of the revision maintain that it will eliminate vote buying in Control Yuan elections since election bribery would be too costly and complicated.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In past years, Taiwan authorities have occasionally permitted representatives of international human rights organizations and private individuals interested in human rights issues to meet with appropriate officials. The authorities permitted several ethnic Taiwanese observers from two U.S.-based organizations, the Formosan Association for Human Rights (FAHR) and the North American Taiwanese Professors Association, to monitor the December 1983 Legislative Yuan elections. The FAHR observer was later expelled from Taiwan for activities which the authorities believed went beyond his role as election observer (he allegedly sought to expand the activities of his organization, which monitors the human rights situation of the ethnic Taiwanese majority from its U.S. base but which reportedly has no significant presence in Taiwan); the other election observers were reportedly not only permitted to monitor the election without interference but were assisted by the authorities in arranging meetings with key officials.

TAIWAN

The nominally non-governmental Chinese Human Rights Association, a strongly anti-Communist organization that originally focused its attention on human rights questions in the People's Republic of China, recently began devoting more of its efforts to human rights in Taiwan. In the past, the Association has sponsored tours for lawmakers and legal experts to examine Taiwan's crowded prisons and has established a free legal aid service for Taipei residents. In 1984, the Association strongly urged the authorities to release all remaining prisoners at the Green Island Military Prison who have served 30-year sentences. Its efforts in this regard helped obtain the release of eleven of these long-term prisoners. The Association also acted as one of the mediators in efforts to resolve the May hunger strike by four Kaohsiung Incident prisoners. In September, the Association arranged for an impartial delegation to travel to Green Island to report on the condition of Kaohsiung Incident prisoner Shih Ming-te.

On December 9, 1984 a group of opposition lawyers, parliamentarians, scholars, and doctors established the "Taiwan Human Rights Association (THRA)." The authorities have stated that the Association cannot be recognized because it has not been registered in accordance with the "Law Governing the Organization of Civic Bodies During the Extraordinary Period," which permits the registration of only one association per organizational function. In their statements to the press, the authorities have noted that the Chinese Human Rights Association has already been registered and therefore a second such organization may not legally be established. THRA sponsors argue that the civic bodies law is unconstitutional because it was promulgated before the constitution was adopted. In addition, they argue that the THRA will not focus on human rights concerns in the People's Republic of China (as they claim the Chinese Human Rights Association does), and therefore will fulfill a function different from that of the Chinese Human Rights Association. This dispute over establishment of the THRA had not been resolved by the end of 1984.

In its 1984 Report, Amnesty International stated that it had continued to appeal during 1984 for the release of 40 prisoners of conscience, was investigating the cases of some 70 other political prisoners detained for several years, and had investigated 9 reported arrests on political grounds and one report of torture. Freedom House lists Taiwan as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Taiwan has one of the strongest economies in Asia. Riding the upswing in the worldwide economic recovery, Taiwan's GNP (\$2,573 per capita in 1983) was projected to grow 12 percent in 1984. The opportunity to participate in economic benefits is available to the population as a whole without discrimination.

The prospects for continuing economic well-being are favorable as the authorities work to shift the focus of Taiwan's export-based economy from labor-intensive to high-technology industries. Unemployment in 1984 averaged 2.2 percent.

TAIWAN

Taiwan's fiscal 1984 budget allocated more than 30 percent of expenditures to education, science, culture, and social programs. Taiwan has developed an effective public health program. It can boast of a health clinic system throughout the island that comprises more than 11,000 medical care facilities. In 1983, for every 10,000 persons, Taiwan had 7.9 practicing physicians, 9.0 practicing nurses, and 30.9 hospital beds. Health promotion programs include maternal and child disease control and environmental sanitation. The infant mortality rate for 1984 was 20.3 per 1000. Major epidemic disease has been reduced, although limited outbreaks still occur. Safe water is accessible to 77.6 percent of the population. Because of these public health programs and a generally good diet (1983 per capita average daily caloric intake was 2740--the highest in Asia), life expectancy at birth has increased to 70 years for men and nearly 75 years for women.

Taiwan's population in 1984 was 19,063,000. Successful birth control efforts have brought the 1984 birth rate down to 1.5 percent. However, with a population density of 522 per square kilometer--the second highest in the world--the Taiwan authorities believe the birth rate must be lowered even more.

Education is one of the main concerns of the authorities and the population in general. Of the population over age six 90.4 percent is literate. Of school-age children, 99.8 percent are currently in school. Free compulsory education is available through junior high school. About 60 percent of junior high school graduates pass examinations and enter three-year senior high and vocational school programs. Entry into Taiwan's extensive system of higher education is also based on competitive exams, and departures from a strict merit system are almost nonexistent. In 1983, more than 17 percent of college-age youth (18-24 years) were enrolled as undergraduate or graduate students.

The few laws which discriminate against women relate mostly to divorce issues and inheritance. In recent years women have taken an increasingly active role in local politics and have been increasingly successful vote-getters. Election regulations ensure that women hold a minimum of 20 percent of elected offices at both the central and local levels. Enrollment of women over 18 years of age in institutions of higher learning has increased 75 fold over the past 30 years, from 1750 students in 1953 (.3 percent of the total number of students enrolled) to 131,297 students in 1983 (9.7 percent of the total number of students enrolled). A fledgling women's rights movement is slowly growing.


Taiwan's only non-ethnic Chinese minority group consists of descendants of Malayo-Polynesians who were already established in Taiwan when the first Chinese settlers arrived. These aboriginal "mountain people" comprise slightly more than one percent of Taiwan's total population. There is no official policy of discrimination against them, but the barriers created by de facto cultural and economic discrimination are frequently difficult to surmount. Aboriginal "mountain people" occupy the bottom rungs of Taiwan's socio-economic ladder. Special designated seats in both central and provincial legislative bodies are reserved for aborigine representatives, and the authorities have instituted a number of social programs to ease the aborigines' transition into the dominant society.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date