

February 13, 1992

ASIA WATCH APPEAL ON BEHALF OF TAIWAN
ACTIVISTS

On December 2, 1991 four young political and social activists in Taiwan were sentenced to prison terms ranging from ten months to two years on charges of sedition. Asia Watch believes that Chen Cheng-ran, Wang Hsi-hui, Lin Yin-fu and An Zhang-guang were merely engaging in peaceful political and research activities at the time of their arrest. The Taiwan government, however, accused them of advocating Taiwan independence -- still considered to be a seditious act. Asia Watch believes that the Taiwan government's prosecution of these activists contradicts its stated respect for the right of its citizens to freedom of expression. We strongly urge that the activists be released immediately and unconditionally.

Chen Cheng-ran, Wang Hsi-hui, and Lin Yin-fu (along with Liao Wei-cheng, who was later acquitted) were arrested on May 9 by the Ministry of Justice's Investigation Bureau (MJIB). An Zhang-guang was arrested two days later on May 11. They were charged with sedition for allegedly belonging to the Association for an Independent Taiwan. The Japan-based organization was founded in 1967 by the 71-year-old historian and former Chinese Communist Party member Shih Chao-hui, also known as Shih Ming. Shih has been living in exile in Japan since fleeing Taiwan in 1952 to evade prosecution on charges of sedition resulting from his pro-independence activities, including writing Four Hundred Years of History of the Taiwan People. He is reportedly still wanted in Taiwan on sedition charges.¹

The activists deny belonging to the Association for an Independent Taiwan although some of them had travelled to Japan and met with Shih Ming, and possessed literature from Shih's organization. CHEN Cheng-ran, a 32-year-old graduate in sociology from National Taiwan University, had pursued graduate studies in sociology at University of California at Los Angeles. At UCLA, he encountered many Taiwanese independence supporters and learned about Shih Ming from them. In 1989, Chen stopped over in Japan to meet Shih on his way back to Taiwan. In April 1990 Chen formed the Taiwan Cultural Materials Center, which is in the process of compiling materials and a computer database on Taiwanese history and culture. He made two additional visits to Shih to discuss his database project. Although the Taiwan Cultural Materials Center was not mentioned

¹According to Chen Han, chief of the Taiwan High Court Prosecutor's Office, as reported in "Judiciary Drops Sedition Charges against 7 Prominent Oppositionists," China Post, June 5, 1991. According to Amnesty International, little is known about the Association, which is banned by the Taiwanese authorities. But in recent years it is reported to have been concerned mainly with publishing articles on Taiwan's political and economic situation. Shih's historical book was banned for a long time by Taiwanese authorities, but is said to be now easily available in Taiwan. "Urgent Action," Amnesty International, UA 167/91, May 15, 1991.

in the bill of prosecution or anywhere else in the case and its work has not met with any official interference, Chen believed that the Center's work was a factor in the authorities' pursual of the case.²

LIAO Wei-cheng, a graduate student at Chinghua University, was arrested on May 9. Liao had worked with Chen at the Taiwan Cultural Materials Center. From March 28 to April 6, 1991, Liao went to Japan to collect materials from Shih.

WANG Hsi-hui, a 32-year-old graduate of Kainan Commercial School in Taipei and a church-based institute, Urban and Rural Mission, had been to Japan at least ten times and met with Shih Ming and other Taiwanese living there. Prior to her arrest, she had been active in the Progressive Women's League and the Formosan Association of Political Prisoners in North Taiwan, and believed that she was under surveillance by the authorities.

LIN Yin-fu went to Japan in January 1991 to see Shih Ming and brought back various materials, including those containing Shih's views on Taiwan's aborigines. Lin, a 30-year-old graduate of the Yushan Theological College and a Presbyterian minister and staff member of the Fishermen's Service Center in Southern Taiwan, is a member of the Taiwanese aborigine Abi tribe. His aboriginal name is Masao Nicar and he was an active member of the Association for the Advancement of Aborigines' Human Rights. In April he travelled to Japan, this time with Wang Hsi-hui, to see Shih. He returned to Taiwan on May 4 and was arrested five days later, on May 9. The materials that he brought back from Japan were seized by police at the time of his arrest.

AN Zhang-guang, 25, attended a seminary in Hualian and then joined the Presbyterian Church in Kaohsiung. He had been a classmate of Lin Yin-fu, and possessed materials, including buttons, from Shih Ming's organization. An was arrested on May 11 (two days after the others) on the grounds of having the buttons in his room, thereby supposedly supporting Shih's organization. An stated that he did not know Shih other than from his writings.

The five activists were initially charged under the Statute for the Punishment of Sedition. Enacted in 1949, shortly after martial law was declared in Taiwan, the statute had long been criticized for its overbroad definition of what acts are considered seditious.³ Martial law was lifted in Taiwan in 1987, 38 years after it was imposed; in May 1991 President Lee Teng-hui repealed the 43-year-old "Temporary Provisions Effective During the Period of Communist Rebellion." Despite these reforms, however, the sedition statute remained intact. The arrests of the young activists sparked large scale protests by students, professors, opposition politicians and others who

²As stated in an interview in Taipei with an Asia Watch representative, December 21, 1991. Chen also stated that Shih also gave him some money for his work on a Taiwanese history data bank. Chen stated, however, that Shih's money had not yet been used. The Center has local sources of funding and 12-15 volunteer workers, mostly graduate students.

³For a more detailed discussion on the Statute for the Punishment of Sedition, see Asia Watch, Human Rights in Taiwan: 1986-1987, December 1987, pp.26-30; "Legal Retreat: Government Suddenly Abandons Sedition Law," Far Eastern Economic Review, May 30, 1991, p.12.

demanded the activists' release and repeal of the sedition statute.⁴

On May 17, the legislature responded to the popular pressure by repealing the sedition statute; President Lee approved the measure on May 22. The protesters had also demanded the repeal of Article 100 and Article 101 of the Criminal Code which also provide for punishment for seditious activities.⁵ The controversial articles were not abolished, however, and on May 17, the activists were indicted under Article 100 of the Criminal Code. They were released on bail on the same day. Their release was interpreted as an attempt by the government to defuse the protests which included plans for a major demonstration to be held three days later on May 20.⁶ Large scale demonstrations took place anyway, to protest against the government's indictment against the activists and refusal to repeal Articles 100 and 101 of the Criminal Code.⁷

In December, Chen and Wang were sentenced to two years' imprisonment. Lin was sentenced to an eighteen-month jail term. An was sentenced to ten months' imprisonment, which was suspended for three years.⁸ Liao was acquitted. The defendants appealed the verdict to the Supreme Court on December 28, 1991. On January 24, the Prosecutors office appealed Liao's acquittal and Chen's two-year sentence, stating that the punishment was too slight.⁹ No decision has been rendered in the appeals.

⁴See note 7.

⁵Article 100 of the Criminal Code states:

- I. A person who commits an overt act with intent to destroy the organization of the State, usurp State territory, by illegal means change the Constitution, or overthrow the Government shall be punished with imprisonment for not less than seven years; a ringleader shall be punished with imprisonment for life.
- II. A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years.

Article 101 of the Criminal Code provides:

- I. A person who with violence commits an offence specified in paragraph I of the preceding article shall be punished with imprisonment for life or for not less than seven years; a ringleader shall be punished with death or imprisonment for life.
- II. A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be punished with imprisonment for not less than one and not more than seven years.

⁶"4 Charged with Sedition, Freed on Bail: Activists Receive Hero's Welcome from Protesting Students, Professors," China Post, May 18, 1991.

⁷"2,000 Students Rally against Hau [Pei-tsun, the Prime Minister]," China Post, May 21, 1991.

⁸ Liao was acquitted, most likely because he was the only student out of the five and the government did not want to arouse student opposition around the time of the National Assembly elections held on December 21. Protests over Liao's arrest received wide coverage, including in "4 Arrested on Sedition Charges: Heavy-handed move draws protests from students, oppositionists," China Post, May 10, 1991; "Resentment Growing Over Arrest: Official to resign over procedural problem of student arrest," China Post, May 14, 1991.

⁹"Prosecutors Appeal High Court Ruling," China Post, January 25, 1992.

Asia Watch believes that the four activists were engaged solely in peaceful political and academic activities, hence, unjustly convicted of sedition. We urge that their convictions be overturned. We also urge authorities on Taiwan to halt their use of Article 100 of the Criminal Code to punish those who peacefully advocate Taiwan independence and political reform.