

PUBLIC

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EXTRA 28/02

Death penalty/Legal Concern/
Fear of imminent execution

12 April 2002

TAIWAN

Hsu Tzu-chiang (m)

(REPUBLIC OF CHINA)

Hsu Tzu-chiang faces an imminent execution following the Supreme Court's rejection on 21 March, of his appeal against a death sentence for kidnapping and murder. He has always maintained his innocence and his only hope is that the State Public Prosecutor General, makes another extraordinary appeal to the Supreme Court on his behalf.

In the meantime, the execution order may be sent to the Minister of Justice, Chen Ding-nan for signature. Execution is usually carried out within a few days of the Minister of Justice giving his approval. In May 2001, Minister Chen Ding-nan had stated that he hoped to abolish the death penalty in three years' time.

Hsu was sentenced to death by the Supreme Court on 27 April 2000 for a crime committed in 1995. He was implicated on the basis of testimony from his two alleged accomplices, one of whom has provided a signed statement to Hsu's relatives stating that Hsu had nothing to do with the crime and that he incriminated Hsu because he had a grudge against him.

The Judicial Reform Foundation has stated Hsu Tzu-Chiang's conviction is based on weak evidence. In the *Taipei Times*, Joseph Lin, President of the foundation stated that "It would violate human rights if you sentence somebody to death when there are still unanswered questions wouldn't it?"

The Judicial Reform Foundation, supported Hsu's case after the Human Rights Committee of the Control Yuan, conducted an investigation and indicated flaws in the courts handling of this case. They petitioned the State Public Prosecutor General four times to pursue an extraordinary appeal on Hsu's behalf with no results. The fifth petition resulted in last year's appeal to the Supreme Court to review Hsu's case. This was rejected last month.

BACKGROUND INFORMATION

The death penalty is in force in Taiwan for a wide range of offences. At least 17 people were executed in 2000 and at least 10 in 2001. Amnesty International opposes the death penalty in all cases, on the grounds that it constitutes the ultimate form of torture and inhuman punishment and that it violates the right to life.

Many people in Taiwan support the use of the death penalty, especially those who work in the judicial system. Prisoners on death row are shackled at the feet. They are allowed visitors but this is limited to families, lawyers and investigation units.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

-urging the State Public Prosecutor General to issue an extraordinary appeal on Hsu Tzu-chiang's behalf;

-urging the Control Yuan and the Minister of Justice to order a review of the case following reports that the trial did not conform to international standards;

-expressing unconditional opposition to the death penalty on the grounds that it constitutes the ultimate form of torture and inhuman punishment and that it violates the right to life;

-calling on the authorities to abolish the death penalty in law and to suspend all executions until abolition is effective in law.

APPEALS TO:

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CHEN Ding-nan

Minister of Justice

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Salutation: Dear Minister

State Public Prosecutor General

Lu Jen-fa

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Salutation: Dear State Public Prosecutor General

President

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and to diplomatic representatives of Taiwan (Republic of China) accredited
to your country.

PLEASE SEND APPEALS IMMEDIATELY.