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TAIWAN: CONSTITUTIONAL COURT TO HEAR CHALLENGE TO DEATH PENALTY LAW

On 23 April 2024 the Constitutional Court of Taiwan will hear a challenge on the constitutionality of the death penalty in the country. Amnesty International Taiwan and the World Coalition Against the Death Penalty are among several non-governmental organizations intervening in the case, in support of the full abolition of the death penalty.

The constitutional challenge arises from the case filed by Wang Xinfu ([Petition No. 2022](#)), the oldest person on Taiwan's death row, consolidated with petitions by 37 others. The Constitutional Court has set 23 April to hear arguments on several questions, including:

- whether the death penalty is unconstitutional as it infringes on the right to life and other constitutional rights, such as the right to be free from torture;
- what the penological purposes of the death penalty are;
- what other measures could be considered in its place;
- and, if the death penalty system is considered constitutional, to what crimes and what circumstances of the defendants it should be applicable, as well as through what procedures.

In the [joint briefing](#) filed on 8 April, Amnesty International Taiwan and the World Coalition Against the Death Penalty argued that the use of the death penalty in Taiwan constitutes a violation of human rights as guaranteed under the Constitution of Taiwan (Articles 8 on personal freedom and procedural guarantees in case of arrest and conviction; and 15 on the right to existence). The organizations hold that the death penalty violates the human right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, as reflected in the development of international human rights law and standards.

Amnesty International Taiwan, the World Coalition Against the Death Penalty and its members have long raised concern at the use of the death penalty in Taiwan, including in relation to proceedings in several cases that violated constitutional and international standards for a fair trial and resulted in the imposition of the death penalty. Among other examples, Amnesty International Taiwan has long been campaigning on behalf of Chiou Ho-Shun, who was sentenced to death in 1989 for kidnapping and murder. The most recent investigation report written by Kao Yung-Cheng, a member of Control Yuan, highlighted that police officers had subjected Chiou Ho-Shun to torture and other ill-treatment during the investigation process to obtain "confessions" of guilt.¹ The organization has been [calling on the President of Taiwan](#), Tsai Ing-wen, to use her power to grant pardon to commute the death sentence imposed on Chiou Ho-Shun.

Although no executions have been recorded in Taiwan since 2020, the two organizations further stated in their submission that the retention of the death penalty in the country sets it against the global trend, which remains overwhelmingly in favour of its abolition. The number of fully abolitionist countries has continued to grow and has now reached 112, while the numbers of executing countries and executions recorded yearly have been declining.

The two interveners further argued that international human rights law and standards set out the reformation and social rehabilitation of people in detention as the primary goal of penitentiary systems and alternative punishments should reflect this aim.

Eeling Chiu, Director of Amnesty International Taiwan, said: "This historic challenge to the constitutionality of the death penalty in Taiwan is an opportunity not to be missed. The death penalty is a violation of human rights and human dignity and must be consigned to the history books once and for all. The protection of human rights cannot be compromised on."

¹ '調查報告 109 司調 0044' (Investigation Report by Control Yuan in 2020 No.0044), Control Yuan, 2020, cybsex.gov.tw/CYBSBoxSSL/edoc/download/31605.p3-5, p. 62.

Aurelie Plaçais, Director of the World Coalition Against the Death Penalty, added: “The world is watching, alongside the people of Taiwan, the proceedings before the Constitutional Court. As more and more countries continue to take steps to abolish the death penalty, its failed promise of safety is evident for all to see. It is time for Taiwan to join the overwhelming majority of the world’s countries and abolish this punishment.”