

After five years on Taiwan's death row

Retrial underway in the case of the "Hsichih Trio"

Angela Pagano
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The retrial of three men facing execution over a 1991 murder case has been underway in Taiwan since November 16. Su Chien-ho, Liu Bin-lang and Chuang Lin-hsun, known in Taiwan as the "Hsichih Trio," were found guilty of murder, robbery and rape in February 1992 and sentenced to death.

The case has provoked widespread opposition from human rights groups who believe the men to be the innocent victims of the unjust judicial system that prevailed in Taiwan under the decades-long Kuomintang (KMT) dictatorship. The three were convicted solely on the basis of confessions extracted by police torture.

Speaking at a press conference after the announcement of the retrial, defence counsel Su Yue-chen declared it was "the first time the judiciary has ever been fair to the Trio." He appealed to the court to "be fair a second time and acquit them soon".

Chuang's mother, Chen Kuei-tan, told the media: "I expect the judges in charge of the trial will be different from the past ones and really listen to what the Trio have to say... My son is going out of his mind. He cannot stand the false accusations any more."

The case stretches back nearly a decade. On March 24, 1991, a husband and wife were brutally murdered at home in the town of Hsichin. On August 13 police arrested a military conscript, Wang When-hsiao, on the grounds that his fingerprints were found on an envelope at the scene of the murder. During protracted interrogation by the Hsichih police, Wang When-hsiao made various confessions to the crime, including one in which he named his brother Wang Wen-chung as an accomplice. Under torture, Wang Wen-chung then named his three friends—Su Chien-ho, Liu Bin-lang and Chuang Lin-hsun—as also being involved.

Wang When-hsiao was tried by a military court, found

guilty and summarily executed in January 1992. The authorities subsequently claimed to have lost all records of the trial. Wang Wen-chung was also found guilty by a military court and sentenced to two years and eight months for being an accessory to the murder.

Wang Wen-chung's confession was the only evidence to link the trio to the crime. They were picked up and arrested by the police on August 15, 1991. At the time they were only 18 years old. The police did not have arrest warrants and did not inform their families of their arrests.

They claimed that they were tortured into making confessions, none of which were consistent. Each was told that the others had already confessed to the murders. On the first day of the latest retrial, Liu Bing-lang told the court: "[Police] put a thick yellow book against my chest and hammered me in the chest. They hung me upside down and started pouring water and urine into my mouth."

The first trial of the three men, which began in October 1991, was a travesty of justice with all the hallmarks of a state frameup for which the KMT was notorious. The only evidence against the three was their confessions, which they had retracted. The prosecution produced no eyewitnesses or physical evidence linking them to the crime.

The presiding panel of three judges did seriously impair the trio's defence. They refused to allow defence witnesses who could confirm the men's whereabouts on the night of the murder. In the case of Chuang Lin-hsun, his father and friends were prevented from testifying that he was at home with them playing majhong. The court also blocked the evidence of fellow prisoners who may have corroborated the allegations of police torture.

Coronial evidence indicated that the female victim had

not been raped. Yet without any supporting material evidence and solely on the basis of their retracted confessions, the three men were found guilty on February 18, 1992 of all charges, including rape. The particular combination of charges carried a mandatory death sentence.

The road to a retrial has been a long and tortured one. Su Chien-ho's father, Su Chuen-chang, who tragically died of lung cancer two days after the announcement of the retrial, was instrumental in bringing the case to the public's attention. "I just waited in the front of the Taiwan University for law scholars and asked them to have a look at the case," he said in a video made in 1995 about his campaign. "Many people thereafter started to notice and work on the case."

Chen Chen-kan, a member of the campaign to free the Hsichih Trio, told the media: "Without his initiatives in the rescue mission over the years, the trio would have been executed."

Despite the lack of evidence against the men, all appeals from 1992 were rejected and in February 1995 the Supreme Court upheld the original sentence. In an unusual step, the Prosecutor General made three special appeals from February to July 1995 to the Supreme Court to review the case, citing the lack of evidence, inconsistencies in the confessions, illegality in the arrest procedures and the testimony of Wang Wen-chung. These appeals, however, were also rejected.

The three young men have been on death row for five years. But in the face of growing public opposition to and doubts about their conviction, four successive justice ministers have not been prepared to sign the execution order.

After his release and completion of his military service in June 1996, Wang Wen-chung withdrew his original confessions implicating his three friends in the murders. He publicly stated he had seen police beating the men with wooden swords and electric shock batons. His statements added to the pressure for a retrial.

The campaign for the trio coincided with rapid political changes in Taiwan leading up to the first democratic election for president in 1996. A ruling by the Supreme Court that the police, the government and the judiciary had collaborated in torturing and framing up innocent men would have fueled anti-KMT sentiment and support for the opposition Democratic Progressive Party (DPP).

After working virtually alone for the first three years, Su Chuen-chang finally won support from leading human rights organisations from 1995, including Amnesty

International, which has highlighted the case internationally. Demonstrations and vigils were held to lobby the previous KMT president, Lee Teng-hui, for a reprieve.

Due mainly to the high profile of the Hsichih Trio case, legal experts also began challenging the validity of the legislation under which the men were charged and sentenced—the Act for the Control and Punishment of Banditry, also known as the Bandit Law. Dictating a mandatory death sentence for a range of crimes, the Bandit Law was enacted by the Kuomintang in 1944 during the civil war against Communist party-led armies on mainland China. It was little more than a measure to sanction the murder of political opponents.

When the law was initially passed, it included a sunset clause that required the parliament to renew it each year. While that clause was removed in 1957, in 1945 it had not been renewed in time, legally rendering it null and void. In October 1999, just before initiating moves to formally revoke the legislation, the KMT government executed eight Bandit Law death row prisoners in one night, in order to prevent any appeal against their convictions. The only men left in Taiwan sentenced to death under the provisions of the Bandit Law are the Hsichih Trio.

In May, following the inauguration of the DPP's Chen Shui-bian as president and the end of over 50 years of KMT rule, a High Court judge finally ordered a retrial. It did not begin until November due to a challenge by the state prosecutor, which was overruled by Taiwan's highest court, the Supreme Court, in October.

Prior to and in the course of the presidential election campaign, Chen and the DPP called for the case to be reexamined. But after coming to power Chen did nothing to halt the prosecutor's appeal against the retrial or to expedite a reassessment of the case. In this, as in other matters, he has been going out of his way not to alienate the KMT, members of which hold key posts in his cabinet.



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