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Public Statement

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Taiwan: Miscarriage of Justice: ‘Hsichih Trio’ re-sentenced to death

Amnesty International expresses deep concern at the June 29, 2007 sentencing to death of Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun, overturning the court’s 2003 verdict of not guilty.

Amnesty International considers the defendants to have suffered repeated miscarriages of justice over the 16 years that the case has been in the Taiwanese court system. The death sentences handed down by the High Court are not based on any physical evidence linking the three defendants to the crime, but are based almost entirely on their confessions, and that of a fourth man, Wang Wen-hsiao, executed for the same crimes in January 1992. The three defendants have consistently argued that their confessions were extracted through torture at the hands of the police, allegations that the Taiwanese High Court has for 16 years persistently refused to investigate.

A large amount of physical evidence, including blood and finger prints, was found at the scene of the crime, but none of it has ever been linked to Liu Bing-lang, Su Chien-ho or Chuang Lin-hsun. Furthermore, physical evidence presented by six expert witnesses in the last trial supports the defendants’ claim of innocence, evidence that the High Court refused to consider. Physical evidence also contradicts key portions of the defendants’ confessions, including the men’s confession to the crime of rape. However, the fact that the charge of sexual assault was selectively dropped in the recent verdict places serious doubt on the overall legitimacy of the men’s confessions, as confession to the crime of rape is part of the original confession.

The Taiwanese justice system has thus condemned three men to death without any substantiating physical evidence, based almost entirely on their confessions which were allegedly extracted through torture and the confession of Wang Wen-hsiao, who was executed in 1992, and which contradict the physical evidence. These allegations combined with an apparent lack of material evidence and irregularities in the investigative process give us serious cause for concern that this verdict is the result of a miscarriage of justice and a violation of international human rights standards for fair trials, standards which require particularly close attention in capital punishment cases.

The Taiwan High Court’s judicial decisions further violates Taiwan’s own Criminal Procedure Law, revised in 2003, that precludes confessions as the sole basis of evidence, and prohibits the use of evidence extracted on the basis of torture.

The June 30 verdict is the result of the men’s 11th retrial and three extraordinary appeals, a process that has lasted 16 years and during which they spent more than seven years on death row before their successful appeal in August 2003, . The Taiwanese authorities have by this decision failed to consider the men's severe emotional distress, caused by many years on death row, fear of execution, as well as the shock of being sentenced to death yet again after winning their freedom before the High Court in January 2003.

Amnesty International opposes the use of the death penalty in all cases, as the ultimate cruel and inhuman punishment, and asks the Taiwanese authorities to commute all death sentences. The recent death

penalty verdict is particularly disappointing in light of the promises made by President Chen Shui-bian, the Minister of Justice, and other government authorities to abolish the death penalty, and the world-wide trend toward abolition of the death penalty, with 129 countries having abolished the death penalty in law or in practice.

Background

On the night of 23-24 March 1991 Yeh In-lan and her husband Wu Ming-han were stabbed to death at their home in the town of Hsichih. Five months later, on 13 August 1991, police traced a fingerprint left at the scene of the crime to a marine named Wang Wen-hsiao. Wang Wen-hsiao was taken into custody on 13 August 1991, and confessed to the police immediately. More than 36 hours after he had been taken into custody Wang Wen-hsiao added new information to his confession, implicating his brother, Wang Wen-chung, and three of his brother's classmates, whom he could not name.

Wang Wen-chung was detained soon after, by police without an arrest warrant, and was allegedly tortured. He named his three classmates as Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun. Wang Wen-chung served two years in prison for his alleged role as an accomplice in the crime. After his release, he retracted his evidence and stated publicly that the police had forced him to implicate his classmates. Wang Wen-hsiao was executed for his part in the murders on 11 January 1992.

The Hsichih trio have described their alleged torture in great detail. "(Police) put a thick yellow book against my chest and hammered me on the chest", Liu Bing-Lan has said, "and they then hung me upside down and started pouring water and urine into my mouth." Liu Bing-lan, Su Chien-ho and Chuang Lin-hsun all describe being beaten and having water or urine forced into their mouths. Su Chien-ho and Chuan Lin-hsun also claim to have been subjected to electric shocks to their genitals, and in Su Chien-ho's case police allegedly smeared a concentrated chemical on the wounds on his genitals caused by the electric shocks.

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