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Taiwan: Fair trial to end 21 years of detention

On the eve of the 11th retrial of the cases against Chiou Ho-shun on 22 September, Amnesty International urges Taiwan's High Court to conduct the trial in accordance with international fair trial standards including prohibiting confessions obtained through torture and to refrain from imposing the death penalty.

Chiou Ho-shun has been in custody for over 21 years while the cases were going through numerous trial and retrials within the court system. The cases against Chiou Ho-shun and his two other co-defendants Lin Kun-ming and Wu Shu-chen were reportedly flawed according to the latest verdict document of the Supreme Court. The Supreme Court also noted that the defendants fingerprints were not found at the crime scene. Other concerns are that the defendants had been denied access to legal counsel during the investigation stage; initial confessions of the defendants were extracted through torture; and the courts in previous trials had failed to exclude these confessions in reaching the guilty verdicts and the subsequent death sentence of Chiou Ho-shun. As of today, no material evidence such as the murder weapon, victims' bodies and their clothes have been found.

"Under international fair trial standards, defendants should have the right to be presumed innocent and tried without undue delay," says Roseann Rife, Asia-Pacific Deputy Programme Director at Amnesty International. "This unresolved case lasting for more than two decades deserves a prompt resolution."

BACKGROUND

Chiou Ho-shun and 11 other co-defendants were tried in the two cases in the deaths of a nine-year-old boy and a middle-aged woman in 1987. The two cases have been bounced between the High Court and the Supreme Court for retrial 11 times.

The other nine are either dead or have completed their sentences during the past two decades. Chiou Ho-shun was first sentenced to death for robbery, kidnapping, blackmailing and murder in 1998.

In 1994, a number of police officers handling this case were convicted for their involvement in extracting confessions through torture. In spite of this, during all the retrials, several dozen judges at the High Court have insisted on using the "torture-free" portions of the confessions.

On 6 August 2009, the Supreme Court overturned portions of the original rulings against Chiou Ho-shun and the two other co-defendants, and returned the case to the High Court for retrial.

An estimated 65 people have been sentenced to death in Taiwan and are awaiting appeals or execution as of July 2009. Although no executions have been carried out in Taiwan since December 2005 and former president Chen Shui-bian publicly opposed the death penalty, the current *de facto* moratorium has no legal basis.

A new administration under president Ma Ying-jeou came to power in March 2008. Taiwan's current Minister of Justice, Wang Ching-feng, has personally declared her opposition to the death penalty. However, the administration's formal policy remains unclear, with senior officials frequently referring to public opinions to defend the retention of death penalty.

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