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5 October 2006

Mr. Shih Mao-lin
Minister of Justice
130 Chungking S. Rd. Sec.1,
Taipei
Taiwan

CC: Mr. Weng Yueh-sheng, President of Judicial Yuan
Mr. Wang Jin-pyng, President of Legislative Yuan

Dear Minister

On the eve of the World Day against the Death Penalty (10 October), I am writing to you on behalf of Amnesty International to urge you and the Taiwanese administration to take immediate and concrete steps towards abolition of the death penalty. Such a move would have an immediate positive impact on the protection of the human rights for all people in Taiwan. It would also send an encouraging signal to the rest of the Asia-Pacific region, including other countries like South Korea which are also giving serious consideration to abolition of the death penalty.

Amnesty International has been encouraged by numerous statements made by Taiwanese officials over recent years indicating support for abolition. For example, in September 2005, President Chen Shui-bian said: "Since I became president in 2000, Taiwan launched the campaign to abolish the death penalty by reducing the handing down and execution of capital punishment, [...] My goal is to achieve zero executions within the shortest time and eventually abolish the death penalty."

Amnesty International welcomes the fact that no executions have been ordered or carried out in Taiwan this year continuing a downward trend since the year 2000. We would appreciate guarantees that this trend will continue and that no executions will be carried out over the coming months. We would also urge you to develop this trend into official policy by instituting a formal moratorium on executions and commuting all death sentences in Taiwan, pending full abolition of the death penalty in law.

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. Recent crime figures from abolitionist countries also fail to show that abolition has harmful effects. In Canada, for example, the homicide rate per 100,000 population fell from a peak of 3.09 in 1975, the year before the abolition of the death penalty for murder, to 2.41 in 1980, and since then it has declined further. In 2003, 27 years after abolition, the homicide rate was 1.73 per 100,000 population, 44 per cent lower than in 1975 and the lowest rate in three decades. A focus or reliance on the death penalty as a method of crime control is therefore illusory. Instead, Amnesty International urges your

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administration to refocus attention and efforts away from the death penalty and towards developing effective measures to combat crime.

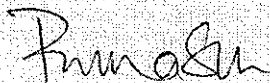
Amnesty International notes that your administration has made a number of positive steps towards reform of the death penalty system over recent months. These include measures aimed at improving the conditions of detention of death row prisoners, particularly with regard to the shackling of prisoners; and steps by the Judicial Yuan to extend legal aid to death row prisoners. Amnesty International welcomes these reforms. We note, however that they do not address the fundamental human rights concerns with the death penalty, namely that it is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

These fundamental problems are demonstrated by the criminal case against Liu Bing-lang, Su chien-ho and Chuang Lin-hsun, (the Hsih-chih Trio), which Amnesty International has followed with deep concern over several years. The case against the three is based almost entirely on their confessions which were allegedly extracted through torture at the hands of the police. These allegations combined with an apparent lack of material evidence and irregularities in the investigative process give us serious cause for concern that this case is a miscarriage of justice. The case has been ongoing for 15 years and the three are currently facing their eleventh trial. The men have suffered severe emotional distress due to their extended period spent on death row and fear of execution. Amnesty International continues to urge your administration to commute these death sentences, and to conduct a full, immediate and impartial investigation into allegations of torture in this case.

Amnesty International considers that the best way to prevent similar cases from occurring in the future would be to abolish the death penalty in line with previous commitments from your administration. By abolishing the death penalty, Taiwan would join the vast majority of other countries and territories which have already abolished the death penalty in law or practice. In 1977, only 16 countries had abolished the death penalty for all crimes, but that figure has now risen to 88. A total of 129 countries have now abolished the death penalty in law or practice, including Bhutan, Samoa, East Timor and Nepal in the Asia-Pacific region. The Philippines was the latest to join this list by abolishing the death penalty for all crimes in June 2006. Amnesty International hopes that Taiwan will soon follow its lead by taking similar steps.

I am sending a copy of this letter to the President of the Judicial Yuan and the President of the Legislative Yuan. I look forward to receiving a response to the issues raised in this letter at your earliest convenience.

Yours sincerely



Purna Sen
Director, Asia-Pacific Program