

Cabinet drops charges against students

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The Executive Yuan yesterday announced it was dropping all charges against students who stormed its compound in Taipei in 2014 on the grounds that the filing of the lawsuits were prompted by political considerations in the first place.

At a news conference yesterday morning, Executive Yuan spokesman Tung Chen-yuan (譚健倫) said Premier Lin Chuan (林昌) has ordered the withdrawal of all charges of criminal offenses that are indictable only upon complaint against 126 students who occupied the Executive Yuan in March 2014.

“Premier Lin said that as the Sunflower movement was a political event rather than a legal one, it should be handled with leniency based on the principle of promoting harmony and defusing conflicts. That is why he decided to retract the charges,” Tung said.

Tung said that the decision by former premier Jiang Yi-huah’s (江宜華) Cabinet to charge the students with illegally entering a building and damage to property was motivated by political considerations.

The demands issued by leaders of the movement at the time have become part of public consensuses and have prompted the legislature to endeavor to enact a law governing the signing of cross-strait agreements, which indicated the legitimacy of and contributions made by Sunflower movement activists, Tung said.

“As such, this case should not be treated purely as a legal matter,” Tung added.

Students’ occupation of the Executive Yuan’s main chamber took place from the night of March 23 to the early hours of March 24, days after activists seized the main chamber of the Legislative Yuan on March 18 to protest against a controversial cross-strait service in trade agreement.

It was primarily sparked by Jiang and then-president Ma Ying-jeou’s (馬英九) continued refusal to

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accept activists' calls for the retraction of the agreement.

About 130 students who stormed the Executive Yuan were indicted, some of them on state-prosecutable offenses and others on offenses indictable only upon complaint.

The Chinese Nationalist Party (KMT) issued a news release expressing regret over Lin's decision, saying a democracy without the rule of law is only a pseudo-democracy.

"That the Executive Yuan decided to handle the case in a political manner not only constitutes a connivance of the actions of breaking into government buildings and damaging public property, but also indicates a tacit consent from the new government to people's employment of illegal means for political purposes," KMT Culture and Communications Committee deputy director-general Wang Hong-wei (王鴻偉) said in the statement.

Wang said that Sunflower movement participants' occupation of the Executive Yuan went beyond the law and the boundaries allowed for civic movements, adding that the withdrawal of lawsuits was irresponsible and politically motivated.

New Power Party Legislator Huang Kuo-chang (黃國昌), who along with other prominent Sunflower movement figures is subject to a separate lawsuit for inciting people to occupy the Legislative Yuan, praised the government's move as a further step toward affirming the Sunflower movement's contribution to Taiwan's democracy.

"Premier Lin has affirmed the Sunflower movement's contribution to Taiwan's democracy with positive comments about demands, such as the need to pass legislation supervising cross-strait agreements before reviewing the trade in services agreement. I highly commend his decision to go a step further and withdraw the suits," he said.

News of the Executive Yuan's decision also drew applause from student activists and civic groups, with calls for further action to investigate police abuses and respond to activists' demands.

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“This was originally not something suitable for the judicial system to address, so it needed to be handled politically,” Judicial Reform Foundation director Kao Jung-chih (高俊志) said.

The legal team for the accused activists affirmed Lin’s decision, while calling for the Executive Yuan to establish an independent investigative mechanism to determine the identities of the police officers who committed acts of violence against activists, as well as their superiors.

“This was an important incident in Taiwan’s democratic development and no matter what, the new investigation will be better than what the police did,” Kao said, calling for the Executive Yuan’s internal documentation relating to the incident to be released.

He added that there are still 21 cases related to the incident that were brought independently by prosecutors and would not be affected by the government’s decision.

After the Legislative Yuan chose not to press trespassing charges, the Taipei District Prosecutors’ Office last year announced a bevy of indictments focusing on incitement and inferring with the conduct of official duties.

Sunflower movement leader Lin Fei-fan (林飛帆) said that the government’s decision was “reasonable,” because many activists were sued frivolously, adding that activists cared more about how the new government responds to the Sunflower movement’s demands.

“For this to count as an affirmation of the Sunflower movement, we still have to see how they respond to our demands for supervisory articles and constitutional reform,” he said.

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