

NPP proposes amendment to National Security Act

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New Power Party Executive Chairman Huang Kuo-chang, right, speaks at a news conference in Taipei yesterday.

Photo: Chang Chia-ming, Taipei Times

The New Power Party (NPP) yesterday proposed an amendment to Article 9 of the National Security Act (國家安全法), which seeks to grant people convicted in Martial Law era courts the right to request a retrial or file an extraordinary appeal.

Unless certain conditions are met, current regulations deny people convicted by a military court over national security issues the right to appeal or request a retrial, which deprives people who might have been persecuted or wrongly convicted of the right to restore their reputation and demand accountability for the government's abuse of power, the NPP said.

Those conditions include scenarios where new evidence is presented by defendants — which would allow them to request a retrial — and when a legal interpretation is required because different courts handed down conflicting rulings — which demands an extraordinary appeal, NPP Executive Chairman Huang Kuo-chang (黃國昌) told a news conference in Taipei.

These restrictions are outdated and unconstitutional, hampering efforts to promote transitional justice, Huang said.

During the Martial Law era, the government controlled all information making it difficult for some people to prove their innocence, he said.

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If passed, the amendment would grant defendants the right to directly ask high courts — which have now taken over cases adjudicated by military courts — for a retrial within five years of its ratification, according to the NPP draft amendment.

The proposal seeks to establish dedicated tribunals at the Supreme Court and high courts, with the Supreme Court in charge of handling appeals of high-court rulings.

Huang asked why Democratic Progressive Party (DPP) lawmakers have not put a transitional justice promotion bill on the legislative agenda, after a legislative review was completed in the plenary session in June.

Saying that transitional justice is a value touted by the DPP administration, Huang asked what the DPP's motives and concerns were behind its apparent inaction over the bill.

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