

## KMT refuses transitional justice

Written by Huang Chang-ling, Yeh Hung-ling 黃昌陵, 葉鴻陵  
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On Nov. 9, 25 years ago, the 155km-long Berlin Wall fell. Not long after, large groups of people charged into the intimidating Ministry for State Security (Stasi) headquarters where they saved files from destruction by ministry staff. It was later discovered that the 158km of files and films found were the results of information gathered by 90,000 Stasi staff and 150,000 informers to keep strict control over East German society.

The question of whether all this illegally obtained material should be destroyed or saved, how individual privacy should be maintained if it were made publicly available and how its use by academics, reporters, victims, offenders and others should be regulated has been a focus of public opinion since before Germany was reunited.

Following public pressure, these issues were added as an additional protocol to the German Reunification Treaty. In 1991, the German Reichstag passed the Act regarding the Records of the State Security Service of the former German Democratic Republic (Stasi Records Act), and following several amendments, the legal norms have now been established and serve as an important reference for many new democracies around the world. Twenty-five years after the lifting of martial law, Taiwan is one of those nations, although it falls far behind when it comes to opening and managing its records.

Referring to the German experience, the Taiwan Association for Truth and Reconciliation has proposed a special act for dealing with political records. The reason for doing so is that the National Archives Act (檔案法) does not address the special circumstances surrounding political cases during the Martial Law era.

This could result in the release of restricted records due to privacy concerns, which could conflict with an application for the release of such records. The proposal also covers Chinese Nationalist Party (KMT) archives from the party-state period and introduces an expert review panel in order to eliminate the excessively discretionary approach among the first line of administrative personnel, all in an attempt to strike a balance between exposing historic truths and maintaining the privacy of individuals that are not of public interest.

However, the concerned authority, the National Archives Administration, is strongly opposed to this version proposed by civil society and it is unwilling to submit a counterproposal. After being introduced by a Democratic Progressive Party (DPP) legislator late last year, the KMT

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legislative caucus has, regrettably, blocked its legislative reading several dozen times.

The Ministry of Culture's Preparatory Office of the National Human Rights Museum, which is in charge of Green Island Human Rights Memorial Park and Jingmei Human Rights Memorial and Cultural Park, has been actively engaged in exchanges with corresponding agencies in Germany, and Minister of Culture Lung Ying-tai (龍應台) visited Germany earlier this year to learn first-hand from the German experience. Still, Taiwan is yet to see the Ministry of Culture take similar action in relation to the handling of the nation's domestic historical records.

In September, the Foundation for the Compensation for Wrongfully Handled Cases of Rebellion and Communist Espionage During the Period of Martial Law, which is in charge of compensating political victims, stopped operating and transferred large volumes of data to the Preparatory Office, and observers were hoping that the ministry would take a more expert and active approach.

However, unexpectedly, there have been reports in the media that the ministry is not planning to do anything with the data due to a lack of funds, and Lung responded by saying that the materials consisted of old, yellowed and brittle paper, so they had to be carefully handled before they could be made available to the public.

Anyone who is familiar with how the foundation worked knows that their data consist of a wide range of data types and that only part of the material is made up of historically valuable case cards from the Ministry of National Defense. A much larger part of the data consists of applications for compensation, investigation and appeal records, databases containing relevant compiled and digitized data, past research reports commissioned by academics and experts, interpretations and re-enactments of cases by victims or members of their families and government standards for evaluating compensation in individual cases. All this forms a crucial foundation of information when trying to understand the White Terror period. Moreover, these are digital files, and not old, yellowed and brittle documents.

Be it official records or compensation information created and maintained using public funds, it is all important information when trying to understand the history of authoritarian rule in the nation. As the KMT caucus continues to block legislation addressing these issues, it is showing that the party continues to block transitional justice, and as the government takes a passive approach toward making the archives available, it is stopping transitional justice from moving forward.

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Translated by Perry Svensson

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