

Amnesty condemns Sunflower charges

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Amnesty International has strongly condemned Taiwanese authorities for bringing charges against 119 people in connection with the Sunflower protests last year.

“The right to demonstrate peacefully is a fundamental human right and all states have a positive obligation to facilitate this right in law and practice,” a statement released on Tuesday by the organization said.

Amnesty is urging that the charges be dropped and that the administration of President Ma Ying-jeou (馬英九) completely overhaul the Assembly and Parade Act (集會遊行法).

The group is calling for the act and other laws to be brought in line with international laws and standards to protect Taiwan’s constitutional guarantees for freedom of peaceful assembly.

“Taiwanese authorities must drop criminal charges against people solely for participating in or organizing peaceful demonstrations,” the statement released by Amnesty’s New York office said.

It said that while Taipei had been eager to press charges against the student leaders and citizen activists who took part in the Sunflower movement, “it seems content to let the police and politicians who may have carried out human rights abuses at the Executive Yuan get away without any independent investigation.”

Amnesty International researcher William Nee said that to date, there had been no thorough independent and impartial investigation into police officers’ conduct when they removed protesters from the Executive Yuan and surrounding areas on March 23 and 24 last year.

“While there were injuries on both sides, Amnesty International believes that at least some of the police use of force on that night was excessive,” Nee said.

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The statement said that a peaceful assembly does not lose its peaceful character due to sporadic violence or unlawful behavior of some individuals.

It said the UN Special Rapporteur on the rights to freedom of peaceful assembly has stated that no organizer of a peaceful assembly should automatically be held liable for the unlawful behavior of others.

“Accountability should be based on individual behavior,” the statement said.

The peaceful intentions of organizers of demonstrations must be presumed, unless there is compelling and demonstrable evidence that those organizing or participating in the particular event themselves intend to use, advocate or incite imminent violence, Amnesty said.

“In Taiwan, even by the government’s own admission, the Parade and Assembly Act violates the International Covenant on Civil and Political Rights which Taiwan formally adopted in 2009 and requires substantial amendment,” Amnesty said.

The Amnesty statement said the crime of “obstructing official duties” should not be used as a substitute for the problematic sections in the Parade and Assembly Act or “in any other arbitrary or abusive way.”

Amnesty International, founded in 1961, has 7 million members and works to “prevent and end grave abuses of human rights and to demand justice for those whose rights have been violated.”

Meanwhile, Taipei Mayor Ko Wen-je (柯文哲) on Tuesday also condemned prosecution of Sunflower movement student leaders, calling on the Ma administration to view the movement through a historical lens.

“[The Sunflower movement] is a historical event, not a public safety incident,” Ko said, adding

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that the movement had “great historical significance,” with opposition to a proposed cross-strait service trade agreement the match that ignited longstanding civil discontent.

The movement looks different when viewed as the culmination of series of civil movements leading into last year’s nine-in-one elections, he said.

Additional reporting by Abraham Gerber

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