

Justice commission to address liability

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Transitional Justice Commission member Yeh Hung-ling (葉 Hung-ling) on Saturday said the commission is in the process of determining responsibility for injustices committed during the White Terror era.

The commission last month exonerated 1,270 victims of political persecution and the Yin Hai-kuang Foundation on Saturday held a follow-up conference to discuss the issue of holding perpetrators accountable as part of the process of restoring justice for the victims.

The foundation invited Yeh and other commission members to the discussion to give their views on the process.

Yeh said that the commission would seek to determine specifically what role the Chinese Nationalist Party (KMT) played in the arrest and persecution of the victims.

National Chung Cheng University professor Hsieh Shih-min (謝 Shih-min), who led the conference, said that the majority of transitional justice efforts in Taiwan are still focused on compensating victims and restoring family honor, and very few people are talking about responsibility.

However, in the case of late National Taiwan University (NTU) professor and democracy advocate Yin Hai-kuang (尹 Hai-kuang), who died of cancer in the 1960s, everyone wants to know who persecuted him, which shows that the issue of responsibility is actually important, Hsieh said.

The commission's investigations are looking at the policymakers, judges, judge advocate general and other high-level officials during the Martial Law period, Yeh said.

"Chiang Kai-shek (蔣 Kai-shek) is not the only one who should be held responsible," Yeh said.

The commission is just starting to understand the roles of the martial law-era National Security

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Bureau, Investigation Bureau, Military Intelligence Bureau and the Taiwan Garrison Command, Yeh said.

The commission has struggled with the task of establishing responsibility, as many departments have protested, and the documents the commission has collected already number in the tens of thousands, Yeh said.

The commission has been operational for only two years so far and needs more time to go through everything, he said, adding that the establishment of accessible repositories of information is a step in the right direction.

NTU law professor Hsueh Chih-jen (許志堅) said that from a traditional criminal law perspective, policymakers can only be found guilty of aiding and abetting, and their responsibility for injustices committed is deemed much less than that of those who carry out the orders.

In pursuing transitional justice, that perspective must be avoided to prevent those responsible from manipulating the system, he said.

When Germany implemented transitional justice measures following its reunification, it was lenient on whistle-blowers and those in East Germany's judiciary, but treated policymakers like accomplices to murder, Hsueh said, adding that Taiwan should consider the same approach.

Academia Sinica researcher Wu Jui-jen (吳錫玠) said that as the KMT was such a large authoritarian body, it should be collectively held responsible.

However, there is not enough support from society to pursue justice against the KMT and doing so "could cause society to collapse," he said.

The best approach would be for the commission to pursue justice on a case-by-case basis, he said.

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