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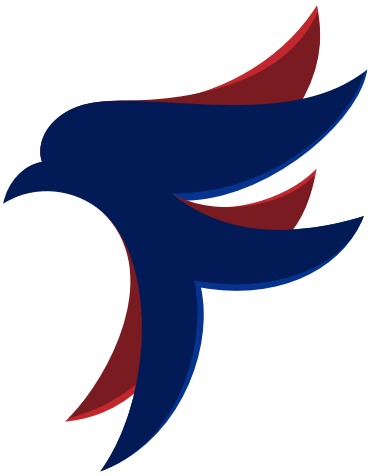
Transitional Justice in Taiwan

A Belated Reckoning with the White Terror

Thomas J. Shattuck



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November 2019

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Acknowledgments

I first would like to thank the Global Taiwan Institute, led by Russell Hsiao, for awarding me the Taiwan Scholarship to carry out this research project on transitional justice in Taiwan. GTI's support provided me with great opportunities to interview scholars who study this topic, government officials, and victims and family members of victims affected by the White Terror.

Next, I would like to thank Aria Edwards Ogawa, my research assistant for the project, who was instrumental in the project's success. Kai-fen Hsu, my former classmate at National Chengchi University, also provided immense help.

Everyone who agreed to speak with me during my research trips and connected me with others made my travel to Taiwan worth it, and I hope that this report reflects the situation in Taiwan and will bring to light this issue to a wider audience.

And I am always thankful for the support that the Foreign Policy Research Institute has provided me, and for Natalia Kopytnik's ability to transform my mess of a manuscript into something worth reading.

About the author

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His articles have appeared in the *Washington Post*, the *National Interest*, the *Taipei Times*, and the *Philadelphia Inquirer*.

Abstract

From 1949 to the end of the Cold War era, the Kuomintang (KMT)—under the leadership of Chiang Kai-shek and his son Chiang Ching-kuo—ruled the Republic of China (Taiwan) under martial law. The martial law decree gave the government immense power to quash any perceived forms of dissent in society. As a result, the KMT imprisoned, tortured, and executed thousands of people over the course of several decades. Now, President Tsai Ing-wen and the Democratic Progressive Party are investigating the atrocities committed during this era. With the establishment of the Ill-Gotten Party Assets Settlement Committee and the Transitional Justice Commission, the Tsai government hopes to bring historical truth and justice to Taiwan's society and hold the KMT accountable for its actions during the authoritarian period. Despite good intentions, progress has been slow due to legal delays, a controversy regarding malintent, and the population's ambivalence. Nevertheless, Taiwan must deal with its history in order to move forward as a democracy.

Key Recommendations

- The Democratic Progressive Party majority in the Legislative Yuan should pass a lustration law preventing perpetrators from serving in government (elected or civil service).

- President Tsai Ing-wen should declassify the archives related to the Lin Family Massacre, the murder of Chen Wen-chen, and the Formosa Incident. Tsai's failure to remove Chen Shui-bian's classification restriction prevents a full accounting of these incidents.

- The Chiang Kai-shek Memorial Hall should be made into a Presidential Memorial Hall, where all democratically elected presidents of Taiwan will be honored after they either leave office or die.

- The Kuomintang should issue an apology to Taiwan's indigenous people. While the Tsai government issued an apology on behalf of the government, the KMT committed the atrocities against these people and should piggyback on Tsai's actions.

- The Kuomintang should accept full responsibility for the actions committed during the White Terror. Some members of the KMT have expressed regret for what occurred, but a formal statement from the party acknowledging what happened, accepting responsibility for it, and apologizing must be issued. Without doing so, the KMT will remain stuck in the past, be open to continued criticism, and will have a difficult time bringing in younger generations who identify with their Taiwanese identity.

Riots break out throughout Taiwan; martial law declared.

FEBRUARY 28

FEBRUARY 27

Lin Chiang-mai beaten by Tobacco Monopoly Bureau agents, who kill a man after firing into a crowd.

MARCH 1

Committee to Settle the Monopoly Bureau Incident formed; Kuomintang troops massacre group of students in train station.

MARCH 2

Martial law lifted; uprisings spread throughout Taiwan.

MARCH 3

Chen Yi agrees to withdraw troops and not to bring more into northern Taiwan.

MARCH 4

Taiwanese take over administration of many local governments.

MARCH 6

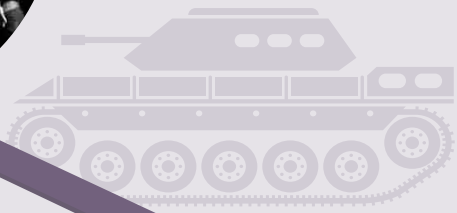
General Peng Meng-chi launches massacre to restore order in Kaohsiung.

MARCH 7

Committee to Settle the Monopoly Bureau Incident issues its 32 demands.

MARCH 9

Koumintang troops land in Taiwan from China, begin killing and suppressing people of Taiwan; martial law declared again.



MARCH 10

Chen Yi accuses Settlement Committee of rebelling against the government; Chiang Kai-shek defends Chen Yi's actions and rejects 32 Demands.

MARCH 21

Fighting ends throughout Taiwan.

MARCH 22

Kuomintang Central Committee censures Chen Yi and demands dismissal.

MARCH 28

Chen Yi submits resignation; accepted by Chiang Kai-shek on March 31.

From Authoritarianism to Democracy

Taiwan's political trajectory mirrors that of several other countries in the post-Cold War era in a number of ways: it was ruled by an authoritarian regime that maintained a firm grip on power by quashing and stifling dissent through complete control of society, only to democratize in the 1990s, with democratic institutions strengthening as time passed. As these nations underwent this democratic trajectory, the former perpetrators and ruling elite faced scrutiny and justice for their crimes; some even were prevented from serving in government functions. This process is known as transitional justice. Human rights scholar Ruti Teitel defines transitional justice as a "conception of justice associated with periods of political change, as reflected in the phenomenology of primarily legal responses that deal with the wrongdoing of repressive predecessor regimes."[1] Many countries and governments have gone through this process, and perhaps the most famous examples are Nazi Germany and the Republic of South Africa. Countries from the Warsaw Pact underwent this process, too, as did the Republic of Korea, the Kingdom of Spain, and many countries in Latin America. But where many other countries addressed this issue—with varying degrees of success—decades ago, Taiwan has failed.

After decades of side-stepping these issues, Taiwan now is conducting an accounting of what happened during the authoritarian period from 1945 to the late 1980s, when martial law was lifted. Formally known as the Republic of China (中華民國, ROC), Taiwan was a stalwart anti-Communist ally of the United States during the Cold War—it was even called "Free China" for decades—and as a result the United States gave it a free pass regarding human rights abuses in order to keep a stable friend close to Mao Zedong's (毛泽东) "Red China."

Chiang Kai-Shek at the Double Ten Day Parade October 10, 1966.

During the "February 28 Incident" and the rioting that followed in 1947 after Taiwan was ceded by Japan to the ROC, the Chinese Nationalist Party (Kuomintang, KMT, 中國國民黨) slaughtered people in the streets, imprisoned members of the Taiwanese elite, and imposed martial law. After the KMT fled to Taiwan in 1949, following its defeat on the Mainland in the Chinese Civil War, Generalissimo Chiang Kai-shek's (蔣介石) regime systematically repressed the Taiwanese population and did not tolerate any form of dissent. Thousands were killed and imprisoned over the following decades in what is called the "White Terror." Many people, some of whom were interviewed for this project, were tortured and jailed; and others were executed for knowing the wrong person, reading the wrong document, or openly advocating for political change. The KMT controlled every aspect of society, and the ramifications of its state of control are still obvious throughout the country. The party owned movie companies, youth centers, and an investment firm, and these companies continue(d) to exist as private companies—influenced by decades of association

1 Ruti G. Teitel, "Transitional Justice in a New Era," *Fordham International Law Journal*, vol. 26, no. 4 (2002), p. 893.

with the KMT—well after Taiwan democratized.

After democratization in Taiwan, the KMT still retained power by winning the presidential election of 1996 and maintaining a majority in the country's Legislative Yuan (立法院) until 2016 when the Democratic Progressive Party (DPP, 民主進步黨) won a legislative majority for the first time ever, while also winning the executive election. Because the KMT kept legislative power for another 20 years post-democratization, transitional justice efforts were curtailed.[2] Despite the KMT's continued control of government, Taiwan's democracy continued to solidify and consolidate over time. From 2000-2008, when President Chen Shui-bian (陳水扁), the first of two DPP members to assume the presidency to date, was in office, his administration had to work within the executive branch to carry out any of its efforts to address Taiwan's past because the KMT would stymie such efforts. The KMT's total control of society waned as a result of democratization, but major companies—still dominated by the KMT—throughout the country influenced the population. The KMT remains one of Taiwan's two major political parties, generally putting forth a policy of closer relations with the People's Republic of China and traditional conservative views.

Granted, three laws were passed in 1995 and 1998, but they were limited in scope and did not seek to place any blame on the KMT for its actions. The first law (1995), the Act Governing the Recovery of Damage of Individual Rights during the Period of Martial Law (戒嚴時期人民受損權利回復條例), provided compensation to individuals who could prove they were forced to confess; it also restored their rights and property.[3] The second law (1995), the February 28 Incident Disposition and Compensation Act (二二八事件處理及賠償條例), was limited to victims of the February 28 Incident. Victims or their family members could apply for compensation if their "life, body, liberty, or property [were] infringed as a result of this incident by employees of the government or by public authorities."[4] The third law (1998), the Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period (戒嚴時期不當叛亂暨匪諜審判案件補償條例), was similar to the February 28 Incident law in that it provided compensation for individuals "who were wrongfully tried on charges of sedition and espionage."[5] The total amount of money given to individuals since the passage of these laws is New Taiwan (NT) $72 billion for the February 28 Incident and NT $194 billion for the White Terror.[6] Significantly, these laws were for "compensation" and not "reparations," demonstrating how the KMT refused to acknowledge the significant wrongs the party committed against these people. Compensation implies payment, while reparations signifies an admission of guilt. Victims and family members of victims interviewed for this project emphasized their discontent with this differentiation.

In addition to passing these laws, the KMT took other steps to address the past. In 1998, it launched an investigation into the February 28 Incident;

2 To learn more about the history of transitional justice in Taiwan, see, Wu Naiteh, "Transition without Justice, or Justice without History: Transitional Justice in Taiwan," *Taiwan Journal of Democracy* vol. 1, no. 1 (July 2005); and Ernest Caldwell, "Transitional Justice Legislation in Taiwan Before and During the Tsai Administration," *Washington International Law Journal*, vol. 27, no. 2 (April 2018), among others.

3 Laws & Regulations Database of the Republic of China, "Act Governing the Recovery of Damage of Individual Rights during the Period of Martial Law," Ministry of Justice of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0000007.

4 Laws & Regulations Database of the Republic of China, "February 28 Incident Disposition and Compensation Act," Article 2, Ministry of Justice of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=I0020013.

5 Laws & Regulations Database of the Republic of China, "Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period," Article 1, Ministry of Justice of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0120018.

6 Chen Chung-Hung and Yeh Hung-Ling, "The Battlefield of Transitional Justice in Taiwan: A Relational View," in Jerome A. Cohen, William P. Alford, and Chang-fa Lo, eds., *Taiwan and International Human Rights* (Springer, 2019), p. 71. See, also, Wu, "Transition without Justice or Justice without History."

Chiang Kai-Shek Memorial Hall (Thomas J. Shattuck)

in 1990, the Legislative Yuan held a moment of silence; and in 1991, it conducted further investigations into the Incident. The 1991 task force ended with the release of a major report, as well as the decision to create a memorial park. In 1995, President Lee Teng-hui (李登輝), who was Chiang Ching-kuo's (蔣經國) successor, became the first executive leader to apologize publicly for the February 28 Incident. In his apology, Lee said, "We need to publicize the truth behind the events, compensate the victims, designate a memorial day, heal our people's spirits and rebuild their dignity."[7] The National Human Rights Museum was approved under the Ma Ying-jeou (馬英九) administration and later opened during the Tsai Ing-wen administration. The KMT also allowed for letters written by executed political prisoners finally to be sent to family members. These KMT efforts avoided blaming Chiang Kai-shek for any wrongdoing due to his elevated place in Taiwan's society.

It was not until Tsai became president in 2016 that true transitional justice efforts were initiated. With the DPP in control of the presidency and legislature, the party finally was able to pass laws that would attempt to take a full accounting of KMT abuse. The Legislative Yuan passed two major laws: the Act Governing the Handling of Ill-Gotten Properties by Political Parties and Their Affiliate Organizations (政黨及其附隨組織不當取得財產處理條例) and the Act on Promoting Transitional Justice (促進轉型正義條例), which resulted in the establishment of two commissions: the Ill-Gotten Party Assets Settlement Committee Committee (不當黨產處理委員會, CIPAS) and the Transitional Justice Commission (促進轉型正義委員會, TJC). CIPAS deals with financial abuses, and TJC deals with opening political archives, overturning wrongful convictions, removing authoritarian symbols, and preserving unjust sites. After decades of neglect, Taiwan is reckoning with its past.

7 Han Cheung, "Taiwan in Time: 228, after the apology," *Taipei Times*, Feb. 24, 2019, http://www.taipeitimes.com/News/feat/archives/2019/02/24/2003710307/1.

A (Brief) History of the Authoritarian Period in Taiwan

Many outside observers are familiar with Taiwan's role in the Cold War and its importance as a check against Mao's China. But many are unfamiliar with the domestic situation that allowed Chiang Kai-shek to maintain stability and power for decades. This brief history of the KMT's actions throughout the authoritarian period sheds light on why the current measures are needed.

Almost from the outset, the KMT's relationship with Taiwan was sour. In 1947, two years before the KMT lost the Chinese Civil War and made Taiwan its home, the people of Taiwan were fed up with the KMT's corrupt rule. The people's hope for a new chapter after World War II never materialized because the Allies transferred Taiwan to the Republic of China's control, allowing Chiang to govern the island. The KMT regime treated the Taiwanese as lesser people—even corrupted citizens—after their years under Japanese colonization.[8]

This tension reached its breaking point on February 27, 1947. On that day, Tobacco Monopoly Bureau agents confiscated Lin Chiang-mai's (林江邁) illegal cigarettes and took her money. While trying to arrest her for selling illegal cigarettes, the agents beat her on the head with a pistol, which prompted the gathering crowd to attack the agents. The agents fled the scene, but killed one person, Chen Wen-hsi (陳文溪), during the confrontation while trying to flee.

The next day, February 28, thousands protested outside of the Tobacco Bureau demanding that the two agents be executed. Another crowd found,

February 28 Riots (National 228 Memorial Museum)

and killed, tobacco agents in a different part of Taipei. But the rioting spread all across Taiwan when another group of protesters were fired upon outside of the Governor General Chen Yi's (陳儀) office. Rioting took place from February 28 to mid-March. The people of Taiwan took control of cities and towns. KMT soldiers indiscriminately killed people in the streets. It was a common sight to see bodies floating in the Tamsui River or strewn in the streets; people often were killed for being in the wrong place at the wrong time. A group of middle-school students were slaughtered by soldiers at a train station. In another instance, soldiers sliced a child's arms with a bayonet before stabbing him through the stomach. Soldiers shot into people's homes and businesses, and during searches, shot those unfortunate enough to answer the door.[9] Shih Ming-teh, a prominent political dissident

8 Ian Rowen and Jamie Rowen, "Taiwan's Truth and Reconciliation Committee: The Geopolitics of Transitional Justice in a Contested State," *International Journal of Transitional Justice* (2017), pp. 99-100.

9 Allan J. Shackleton, *Formosa Calling: An Eyewitness Account of the February 28th, 1947 Incident* (Camphor Press, 1998), pp. 68-71.

After the oppression by the Chinese Nationalist Army in the 228 Incident, Chung-xi Bai, then Minister of Defense of Chinese Nationalist Government, went to Taiwan for a visit.

National Human Rights Museum in New Taipei City. (Thomas J. Shattuck)

during the authoritarian period, witnessed firsthand the soldiers' cruelty in Kaohsiung, where people were shot near the city's main train station. The only reason that his father was not taken away was because he had aided a soldier not long before the Incident occurred. The soldier Shih's father took care of was the driver for the Commander of the Kaohsiung Fortress Headquarters Peng Mengji (彭孟緝),[10] and he ordered Shih's father to be freed.[11] Often, surviving—or being arrested or killed—was a matter of luck or coincidence.

Eventually, the KMT was able to retake control of Taiwan after Chiang Kai-shek sent troops to stop the rebellion on March 5. By March 8-10, the troops arrived, and the KMT had control of Taiwan by March 13. Chen Yi attempted to work with the political committees formed after the February 28 Incident to improve the conditions on Taiwan, but at the same time requested military assistance from Chiang. Some of the political committees sought to make requests in good faith, but others went too far; this latter group allowed for the KMT to characterize everyone on the committees as radicals who abused their power when Chen attempted to justify the crackdown. Once troops arrived, Chen gave up all pretense of working cooperatively with the reform committees. He possessed the military power to repress them now, so he purposefully mischaracterized the causes of the uprisings. By mid-March, the KMT was targeting Taiwan's elite, apprehending anyone who took part in the political committees, and shutting down any newspapers that it did not control.[12]

Due to the disarray across the island, it is not known exactly how many died during this time period. A 1992 report estimates that between 18,000 and 28,000 died as a result of the February 28 Incident.[13] The book *A Tragic Beginning: The Taiwan Uprising of February 28, 1947* estimates fewer than 10,000 casualties, with over 6,000 as the likely number.[14] Recently, the estimated number of people killed during the February 28 Incident has been 10,000, but the exact number of deaths is unknown. The ramifications of the events that took place between February and March 1947 are clearer. As Taiwanese researcher Huang Chang-ling notes, "To many Taiwanese, the loss of those social elites that hoped to mediate between the government and the uprising was perhaps the most heartbreaking of all. For decades discussion of the February 28 Incident and the massacre, known as '228,' was a political taboo in Taiwan, and it has a lasting political impact in Taiwan's politics under authoritarianism as well as democracy."[15] It wiped out nearly a generation of social elites and sent a message to the rest of society that the KMT was now in charge. The situation only worsened after the KMT retreated to Taiwan in 1949.

The uprisings throughout Taiwan in 1947 alerted the KMT that it needed to establish a larger military presence on the island to maintain control. And after the 1949 retreat, the KMT had nowhere else to go, so it needed to maintain stability and control for its own survival.

Martial law was declared on May 20, 1949 and lasted until July 14, 1987 when Chiang Ching-kuo, the son of Chiang Kai-shek who succeeded him as

10 General Peng later would lead a massacre in Kaohsiung.

11 Shih Ming-teh, *Spring in a Prison Cell* (Shih Ming-teh Lecture Foundation 2012).

12 George H. Kerr, *Formosa Betrayed: The Definitive First-Hand Account of Modern Taiwan's Founding Tragedy* (Camphor Press, 1997), pp. 243-248.

13 Nicholas D. Kristof, "The Horror of 2-28: Taiwan Rips Open the Past," *New York Times*, April 3, 1992, https://www.nytimes.com/1992/04/03/world/taipei-journal-the-horror-of-2-28-taiwan-rips-open-the-past.html?module=inline; and Michael Forsythe, "Taiwan Turns Light on 1947 Slaughter by Chiang Kai-shek's Troops," *New York Times*, July 14, 2015, https://www.nytimes.com/2015/07/15/world/asia/taiwan-turns-light-on-1947-slaughter-by-chiang-kai-sheks-troops.html?_r=1.

14 Lai Tse-han, Ramon H. Myers, and Wei Wou, *A Tragic Beginning: The Taiwan Uprising of February 28, 1947* (Stanford University Press 1991), pp. 155-160.

15 Huang Chang-ling, "Taiwan's White Terror and the Search for Transitional Justice," *The Diplomat*, Sept. 30, 2016, https://thediplomat.com/2016/09/taiwans-white-terror-and-the-search-for-transitional-justice/.

The Family of Yang Cheng-lung

Yang Cheng-lung (楊振隆), the Director of the National 228 Memorial Museum, had three family members directly affected in the aftermath of the 228 Incident in March 1947. His grandfather, a city council member in the city of Keelung, was placed under house arrest for 2 months and was freed only after he wrote an apology to the KMT. Writing a letter was a common way to get out of trouble. Yang's father, a doctor and writer, was caught three times. His family paid a large sum of money for his release to prevent his execution. And the final victim was Yang's uncle, an elementary school teacher. He and two others were bound together with barbed wire and a stone and dropped into the ocean.

This scenario was quite common in Taiwan during this time. The KMT targeted the Taiwanese elite, particularly thought leaders. Doctors, politicians, and teachers were the first groups targeted.

Because Yang's family had such connections and was viewed as a problem, Yang essentially was barred from serving in the government because his family had a "case number." Even when he worked in a hospital, Yang was notified by management that they were aware of his status as a family member of people associated with 228, so he had to quit and work for a Japanese company because foreign companies did not care about his status.[1]

1 Interview with Yang Cheng-lung, March 5, 2019.

president, lifted it. The martial law declaration gave the KMT sweeping powers to quash dissidents in Taiwan. Martial law provided the minority population with the ability and mechanisms to control the majority. As author Douglas Mendel notes in *The Politics of Formosan Nationalism*, "Of the 13.5 million inhabitants recorded by a 1968 newspaper census, over 11 million are native to [Taiwan], and 2 million are post-1945 Nationalist settlers from the Chinese mainland."[16] All forms of dissent—speaking out publicly, holding meetings, making flyers and pamphlets, criticizing the KMT—were not tolerated. Individuals who committed these "crimes" were imprisoned, or worse. As Huang Cheng-yi of Academia Sinica's Institutum Iurisprudentiae explains, people could be easily swept up and accused of numerous crimes and receive life imprisonment just for talking to the wrong person. "Even crimes that did not trigger the mandatory imposition of the death penalty nevertheless triggered highly disproportionate penalties. For example, if convicted of joining a gathering such as a study group or a brownbag discussion that was later deemed to have been organized by a 'betrayal group,' one could be sentenced to life imprisonment or at least ten years in jail." Laws were amended and adopted to increase the scope of crimes as well as the punishments.[17] Citizens were obligated to report suspected crimes, and they even received a small portion of any property or assets confiscated from someone convicted of a crime. The system that the KMT created in Taiwan ensured that it maintained control through fear and incentives.

16 Douglas Mendel, *The Politics of Formosan Nationalism* (Berkeley: University of California Press, 1970), p. 9.

17 Huang Cheng-yi, "Frozen Trials: Political victims and their quest for justice," in Jerome A. Cohen, William P. Alford, and Chang-fa Lo, eds., *Taiwan and International Human Rights* (Springer, 2019).

Transitional Justice under Tsai Ing-wen

During her presidential campaign, Candidate Tsai Ing-wen included the transitional justice issue in her platform. The platform included five major reforms spanning a variety of issues: generational justice, effectiveness of governmental institutions, amending how the Legislative Yuan functions, transitional justice, and ending partisanship. She had pledged early on that she would issue an apology on the government's behalf to Taiwan's indigenous peoples and promised "to face the past and do everything possible to restore the truth to history."[18]

The transitional justice issue was not something that she had decided to take on only after winning the presidency to punish political opponents. It had been a consistent part of her campaign and a pillar of her first term in office. A common critique of Tsai's transitional justice initiatives has been that she is investigating her opponents and that doing so is problematic. The primary reason for this criticism is that the KMT still exists as a political force in Taiwan. As discussed below, the investigations are looking into actions during a specific period of time in the past (1945-1992), not current actions. Calling transitional justice a political witch hunt is an exaggeration that seeks to undermine the atrocities committed by the KMT. This process is levelling an uneven playing field, where the KMT currently has an enormous financial advantage due to decades of unfair practices.

In her inaugural address, President Tsai dedicated an entire section of the speech to the subject, signaling that she would tackle the transitional justice issue. Her words and directives were very clear on the first day:

> *For the new democratic system to move forward, we must first find a way to face the past together. I will establish a Truth and Reconciliation Commission inside the Presidential Office, to address the historical past in the most sincere and cautious manner. The goal of transitional justice is to pursue true social reconciliation, so that all Taiwanese can take to heart the mistakes of that era.*
>
> *We will begin by investigating and sorting through the facts. Within the next three years, we plan to complete Taiwan's own investigative report on transitional justice. Follow-up work on transitional justice will then be carried out in accordance with the truth unveiled by the report. We will discover the truth, heal wounds, and clarify responsibilities. From here on out, history will no longer divide Taiwan. Instead, it will propel Taiwan forward.*[19]

Instead of vaguely referring to wanting to bring historical truth and justice to Taiwanese society, Tsai set a clear benchmark: a commission and a report in three years.

Tsai and the DPP did not create a traditional Truth and Reconciliation Commission, but they did establish one committee and one commission under the Executive Yuan with similar purposes. The Act Governing the Handling of Ill-Gotten Properties by Political Parties and Their Affiliate Organizations passed in the Legislative Yuan in July 2016, and the Ill-Gotten Party Assets Settlement Committee was established the next month with Wellington Koo (顧立雄) serving as the

18 Tsai Ing-wen, "Five Major Political Reforms," Aug. 16, 2015, http://iing.tw/en/21.

19 "Full text of President Tsai's inaugural address," *Focus Taiwan News Channel*, May 20, 2016, http://focustaiwan.tw/news/aipl/201605200008.aspx.

President Tsai attended the "28th Anniversary Center Memorial Ceremony" and took photos with the families of the victims. (Taiwan Presidential Palace/Flickr)

President Tsai at the February 28th Incident Anniversary Ceremony in 2017. (Taiwan Presidential Palace/Flickr)

first chairperson. CIPAS investigates the assets that political parties—namely the KMT and its affiliated organizations—obtained from August 15, 1945 to July 15, 1987. The Act on Promoting Transitional Justice's passage was delayed until December 5, 2017, and the Transitional Justice Commission formed on May 31, 2018 with Huang Huang-hsiung (黃煌雄) serving as the first chairperson. TJC has a larger mandate than CIPAS, covering issues pertaining to archives, authoritarian symbols, and wrongful convictions during the period from August 15, 1945 to November 6, 1992.

White Terror Memorial in New Taipei City (Thomas J. Shattuck)

Ill-Gotten Party Assets Settlement Committee

CIPAS has the authority to investigate assets deemed "ill-gotten," with the goal of returning them to the rightful owner or the government. Article 2 of the law states, "CIPAS shall . . . conduct the investigation, restitution, forfeiture of restoration of rights of ill-gotten assets acquired by the political parties, their affiliated organizations and trustees, restoration of rights, and other matters."[20] While the scope of the committee's power is limited to ill-gotten assets, it has immense power to investigate and seize them.

Relevant parties and institutions—namely, the KMT and its affiliated organizations—had one year after the law's passage to declare all assets, including property, money, investments, and other currencies and materiel to the committee. The law considers anything other than "membership fees, political contributions, donation of campaign funds, government election expenses subsidies and its interests"[21] as ill-gotten assets. The law specifically defines "ill-gotten assets" as "assets the political parties has either acquired for themselves or allowed their affiliated organizations to acquire through conducts which are against the nature of political parties and the principles of democracy and the rule of law."[22] After the relevant parties and organizations declared their assets, CIPAS then decides what assets to investigate based on the information provided; it has the authority to fine individuals who obstruct investigations or refuse to cooperate.

The definition is broad because the KMT used a variety of ways to acquire assets illegitimately. When the KMT fled Mainland China to Taiwan in 1949, the government occupied buildings previously owned by the Japanese without purchasing them. Some companies were forced to provide a "donation" to an affiliated organization in order to conduct business in Taiwan. A similar mechanism was used for currency transfers for Taiwanese businesses seeking to attain U.S. dollars. Other organizations received government assets, such as land or funding, at their inception. In the 1950s and 1960s, the companies would use the KMT money to buy land and invest in real estate, and then when real estate prices rose in Taiwan in the 1970s and 1980s, the companies would transfer the land to the KMT.[23] In one particular case, the KMT squatted on a parcel of land after refusing to pay rent to the Land Bank of Taiwan. It eventually bought the land and sold it in 2002 for an unknown amount of money.[24] And for some plots of land, the KMT would send security agents to intimidate citizens to sign away their land and then declare that it was "land under utilization by government agencies" to avoid paying taxes on it.[25] These are just some of the ways in which the KMT attained ill-gotten assets.

20 Laws & Regulations Database of the Republic of China, "Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations," Article 2, Ministry of Justice of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030286

21 Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations, Article 5.

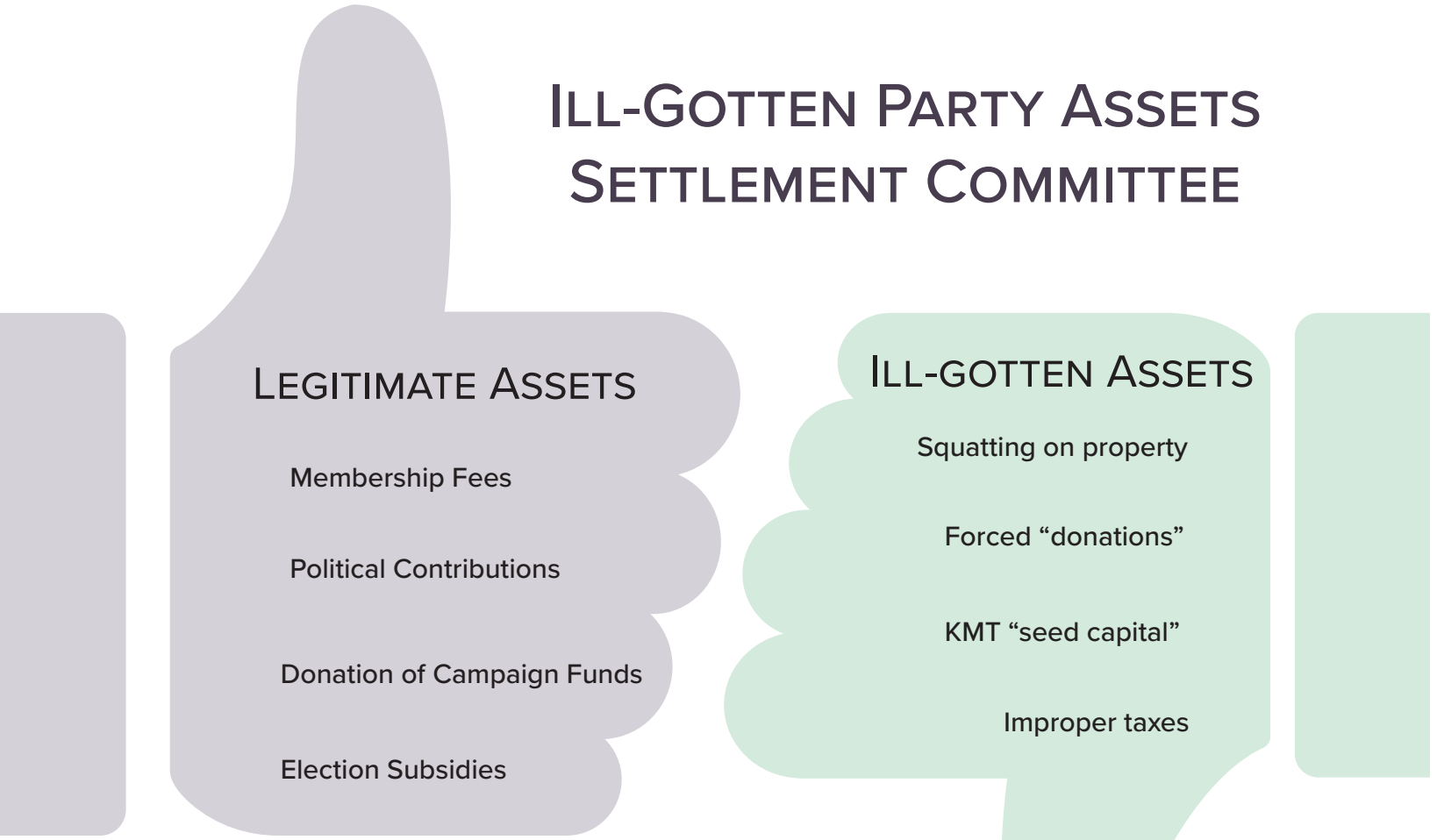
22 Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations, Article 4.

23 Interview with CIPAS, February 25, 2019.

24 Chen Yu-fu and Jonathan Chin, "KMT squatted on public plot in Taipei: committee," *Taipei Times*, June 10, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/06/10/2003716655.

25 Chen Yu-fu, Hsu Yi-ping, and Jonathan Chin, "Taipei asked to bar project over likely connection to KMT," *Taipei Times*, June 11, 2018, http://www.taipeitimes.com/News/front/archives/2018/06/11/2003694689.

Ill-Gotten Party Assets Settlement Committee



CIPAS members recognized that they function as prosecutors with their ability to investigate and make decisions about which assets are ill-gotten and which assets were properly acquired. They said that they are aware of their power and try to use it appropriately—in a February 2019 interview, members said that they try to cooperate with the KMT to receive relevant documents and had not issued a fine to the KMT for lack of cooperation.[26]

The goal of the committee is to restore the asset (or its monetary equivalent) to the original owner or successor, and people who suspect that an asset was taken from them or a family member can view postings on the committee's website and apply for restoration.

The CIPAS may seem all powerful in its ability to investigate and determine assets as ill-gotten; however, parties and individuals accused of holding these assets have the ability to challenge the committee in court. "The person dissatisfied with the CIPAS's disposition which is made after public hearings, may file an administrative litigation."[27] Many organizations investigated by the CIPAS have taken advantage of this opportunity to stop the seizure of their assets. Members of the committee noted that this mechanism helps to protect the legal rights of those being investigated.[28]

Due to the complex nature of this type of investigative accounting, the CIPAS has a simple infographic published in both English and Chinese for those who seek to understand its mission more clearly. In December 2018, the committee started regularly to post short videos to its YouTube channel to provide another means to explain the complex cases it tackles. Other videos explain how to use the new online portal of all the investigated ill-gotten assets and important developments

26 Interview with CIPAS, February 25, 2019.

27 Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations, Article 16.

28 Interview with CIPAS, February 25, 2019.

Tragedy at the CIPAS

In August 2018, tragedy struck CIPAS when one of its members, Yang Wei-chung (楊偉中), drowned while trying to save his daughter after she fell out of a boat while they were vacationing in the Cook Islands. Yang's presence on the committee was notable because he had served as the KMT's spokesmen and advocated for the party to reform its internal practices. For his vocal criticisms, the KMT expelled him from the party in June 2016. Yang was an advocate for the KMT to acknowledge more firmly the party's role in human rights abuses during the authoritarian period. He was a rare example of a younger KMT member who understood the hypocrisy within the KMT's infrastructure, policies, and views on its legacy. As someone who advocated for a more middle path, Yang proved to the people of Taiwan that members of the KMT could collaborate with the DPP in seeking transitional justice.[1]

1 "Settlement committee member drowns saving daughter," *Taipei Times*, September 1, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/09/01/2003699583; Keoni Everington, "Taiwan political commentator Yang Wei-chung drowns saving daughter," *Taiwan News*, August 31, 2018, https://www.taiwannews.com.tw/en/news/3519315; and Brian Hioe, "The Fall of Yang Wei-Chung and the KMT's Continual Failure of Reform, *New Bloom*, July 2, 2016, https://newbloommag.net/2016/07/02/yang-wei-chung-kmt-reform/.

regarding high-profile cases. In an interview, a member of the CIPAS articulated the rationale for the dissemination of the videos: "It is very hard to let our people to understand what happened. In the past, we just said it in the news, but we find out the result is not so good. There's also a lot of misunderstanding. . . . [Youtube videos] are a new challenge this year."[29] Before December 2018, it had only posted long videos of public hearings from the investigations. The new short videos distill key parts of these cases and explain why the public should care about their work. CIPAS noted in an interview that the public "shows over 60% of support for our job."[30]

KMT Assets

One of the most important aspects of CIPAS' work was to get a full accounting of the KMT's assets. As required by law, the KMT, commonly called one of the world's richest political parties by its critics, needed to provide CIPAS with a list of its assets, and all political parties must publicly release their assets to avoid violating the Political Parties Act. This new law blocks political parties from investing in or running for-profit businesses, which KMT had done for decades before its passage. In 2017, the KMT's total assets were NT$18.9 billion (US$621 million), making it still the richest party in Taiwan. The DPP's assets were only NT$769 million (US$25.1 million).[31] To provide an American comparison, according to the Federal Election Commission, in 2016, the Republican Party raised $673,745,380, and the Democratic Party raised $839,499,145 for the presidential election.[32] The KMT had almost US$600 million more than the DPP, which demonstrates how uneven the financial playing field has been in Taiwan. Despite the KMT's immense wealth, all of its assets were frozen in 2016.

29 Interview with CIPAS, February 25, 2019.

30 Interview with CIPAS, February 25, 2019.

31 Matthew Strong, "KMT is still Taiwan's wealthiest political party," *Taiwan News*, July 13, 2018, https://www.taiwannews.com.tw/en/news/3481613; and "KMT owns largest assets of all political parties in Taiwan," *Focus Taiwan News Channel*, July 13, 2018, http://focustaiwan.tw/news/aipl/201807130025.aspx.

32 "Raising: by the numbers," Federal Election Commission, https://www.fec.gov/data/raising-bythenumbers/.

When the KMT fled China at the end of the Chinese Civil War, it took as many assets as possible with it. As the *South China Morning Post* reported in 2016, "When the KMT fled to Taiwan, it did not go empty-handed. Among the haul was an estimated 138 tonnes of gold, some of the greatest treasures of Beijing's Forbidden City, and US$24 million in bonds. It also inherited assets nationalised by the Japanese."[33] The same report says that the KMT had assets of NT$964 billion in 1993 (Remember: The DPP was founded (illegally) in 1986 and martial law was lifted in 1987). Coming to Taiwan with this level of money made it easier for the party to partake in the investment schemes mentioned earlier in this section. During the Chen Shui-bian presidency (2000-2008), his administration attempted to account for all of the KMT's assets, but Chen's attempts failed because the DPP did not have a majority in the Legislative Yuan. His administration still set up an online database that publicized some of the KMT's ill-gotten assets. However, after Ma Ying-jeou won the presidency in 2008, he took the website offline and some of the data were lost.[34]

CIPAS froze KMT bank accounts in 2016 after it attempted to get rid of its assets as the committee was forming. The *Taipei Times* reported that the KMT attempted to use 10 checks of NT$520 million (worth NT$52 million each) on August 11, 2016, the day after the Act Governing the Handling of Ill-Gotten Properties by Political Parties and Their Affiliate Organizations passed.[35] Making such an obviously suspicious move demonstrates how the KMT has attempted to use its finances to maintain power. The other checks were put on hold, and the KMT's accounts were frozen and allowed only to receive deposits. The same story reported that CIPAS estimates "the KMT's legitimate assets are worth about NT$630 million and its ill-gotten assets are worth NT$1.932 billion, while a total of NT$2.385 billion has been withdrawn from the account."[36] And this is only for one account at SinoPac bank.

In 2017, the KMT began seeking donations to pay its employees since after having its assets frozen, the KMT could not afford to pay the monthly cost of NT$30 million for its 300 employees. The party had laid off 40 percent of its staff before the call for donations went out.[37] In 2018, CIPAS confirmed the 2016 KMT asset report when it released its own report. The report said that the KMT had NT$18.9 billion in assets, of which NT$15.6 billion is "associated with Central Investment and Hsinyutai, after taking the companies' debts into account."[38] These two companies, which had NT$24.7 billion in stocks in 2017 and were found to be affiliates of the KMT, will be discussed later.

National Women's League

Perhaps the case that is most emblematic of the work that CIPAS has carried out is that of the National Women's League (NWL, 中華民國婦女聯合), a KMT affiliate founded by Madame Chiang Kai-shek (Soong Mei-ling, 宋美齡) in 1950. The NWL originally was founded to help the families of soldiers. CIPAS ruled that it was a KMT affiliate in February 2018 after months of investigating its assets. In March 2019, the committee ruled that most of the NWL's assets should be transferred to the state because the NWL benefited from the KMT "taxing" companies seeking to import or

33 Lawrence Chung, "Taiwan's Kuomintang in crisis as 'ill-gotten gains' law threatens to reverse party's fortune," *South China Morning Post*, September 18, 2016, https://www.scmp.com/news/china/policies-politics/article/2020328/taiwans-kuomintang-crisis-ill-gotten-gains-law.

34 Interview with CIPAS, February 25, 2019.

35 Chen Wei-han, "Committee freezes KMT bank account," *Taipei Times*, Sept. 22, 2016, http://www.taipeitimes.com/News/front/archives/2016/09/22/2003655671.

36 Chen Wei-han, "Committee freezes KMT bank account."

37 "Taiwan's KMT appeals for donors amid government probe," *Straits Times*, Sept. 28, 2017, https://www.straitstimes.com/asia/east-asia/taiwans-kmt-appeals-for-donors-amid-government-probe.

38 Chen Yu-fu and William Hetherington, "Assets committee releases appraisal of KMT assets," *Taipei Times*, July 23, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/07/23/2003697210.

National Women's League Headquarters (CIPAS)

export goods. A total of NT$38.7 billion (over US$1 billion) was determined to be "ill-gotten" and must be returned to the state; the NWL can only keep NT$240 million. When announcing the decision, CIPAS Chairman Lin Feng-jeng (林峯正) explained that companies were charged "NT$0.5 for every US$1-worth of imports."[39] The Military Benefit Tax was implemented from 1955 to 1989. Legal at the time due to Taiwan's authoritarian system, this system forced an extra burden upon individuals, families, and companies seeking to do business. By mandating this "tax" on companies, the KMT was giving the NWL an advantage due to its founder's relationship to Chiang. According to a CIPAS report, the NWL received "NT$13.9 billion in donations for military veteran's housing from 1957 to 1994."[40] And from 1990 to 2016, the League earned over NT$30 billion in interest income—with NT$47.9 billion in savings and interest revenue, NT$37.94 billion in cash and bank savings, and NT$517.2 million in marketable securities at the end of 2016.[41] The NWL's accounts would surely not be this high if not for its close association to the KMT.

The NWL could have avoided this result if it had agreed to sign a deal with CIPAS before the February 2018 ruling. The deal, rejected on February 1, 2018, would have resulted in the League's dissolution, with 90 percent of its assets (NT$34.3 billion) transferred to the government and the remaining 10 percent donated to NWL charities. The board members of the four foundations receiving the funds would have to be re-elected, and the government would appoint one-third of the board members.[42] The deal was supposed to be passed by the NWL's board, but instead was rejected. As a result of the vote, CIPAS immediately froze the NWL's assets and declared it an affiliate of the KMT.

39 "National Women's League assets belong to state: ruling," *Focus Taiwan New Channel*, March 19, 2019, http://focustaiwan.tw/news/aipl/201903190019.aspx.

40 Chen Yu-fu, "League made over NT$30bn in interest," *Taipei Times*, Sept. 24, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/09/24/2003701054.

41 Chen Yu-fu, "League made over NT$30bn in interest."

42 "Editorial: Taiwan National Women's League chooses path of self-destruction," *Taiwan News*, Feb.1, 2018, https://www.taiwannews.com.tw/en/news/3353092; and Jonathan Chin, "Koo says daughter only removed personal effects," *Taipei Times*, Feb. 23, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/02/23/2003688088.

The NWL's actions during this years-long ordeal demonstrates that it has learned little since the authoritarian period. In February 2018, former NWL Chairwoman Ceclia Koo's daughter lifted items from Koo's office. Koo, who was removed from her position in December 2017 for refusing to move forward with the aforementioned deal (before it was voted down), claimed that her daughter only took her "personal effects,"[43] while CIPAS has argued that she removed financial records. The NWL told CIPAS where to find the League's financial records, only to discover the floor empty. CIPAS charged Koo and her daughter with destroying evidence. Covering up or destroying the League's financial records shows how Koo wanted to keep its vast fortune and not face historical justice. In addition to destroying evidence, the NWL's actions also demonstrate its connection to the KMT. From 2008-2018, the NWL donated NT$617 million to the KMT and several of its related foundations. These foundations include ones started by former President Ma Ying-jeou and others related to the legacy of Chiang Kai-shek and his wife.[44]

Despite the obviously close connection between the KMT and the NWL, the NWL has fought CIPAS at every possible juncture by filing lawsuits to prevent its assets from being frozen and to have the freeze lifted. During the investigation in 2018, CIPAS allowed the NWL to use some of its assets after the NWL requested more funds be made available. But then, in late 2018, the Taipei High Administrative Court lifted the asset freeze. After this decision, in March 2019, CIPAS finished its investigation and ordered that the NWL's assets be transferred to the government, but in May 2019, after an NWL appeal, the Supreme Administrative Court ordered a stay until it reaches a decision. The final decision is still in the courts.

Attempting to stay afloat, the NWL is working towards transitioning into a formal political party.[45] These actions—whether it be refusing to work with the government, the destruction of key evidence, or transitioning to a political party—have demonstrated that the NWL is still very much in the KMT's orbit by attempting to obstruct transitional justice from occurring. The NWL may well cease to exist because of these actions even though it had several opportunities to comply. This example demonstrates how deeply the KMT is tied with its affiliates and how these groups will work against their interests to stay loyal.

Other Notable Cases

While the NWL's case has received most of the attention, there are other cases worth mentioning in order to demonstrate how extensive the KMT's ties are throughout Taiwan and how complicated the CIPAS' work is. The examples are Palasia Hotel Palau, Central Motion Picture Company, China Youth Corps, and Central Investment Company and Hsinyutai Company, all of which have been deemed KMT affiliates.

The KMT, before the passage of the Political Parties Act, owned an 80% stake in a hotel, the Palasia Hotel Palau, on the Pacific island of Palau. Identified as a KMT affiliate in 2016, the hotel has been owned by the KMT since 1998. The KMT attempted to sell the hotel in 2018 to acquire extra funds for the midterm elections, but CIPAS blocked the sale. The KMT tried unsuccessfully to sell the hotel in 2015 before the latest attempt.[46] Taiwan and Palau established diplomatic relations shortly after the opening of the hotel—demonstrating its use as a political tool.

In October 2018, CIPAS determined that the

43 Chin, "Koo says daughter only removed personal effects."

44 Chen Yu-fu, "Women's League gave NT$617m over decade to KMT," *Taipei Times*, March 5, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/03/05/2003688705.

45 Chen Yu-fu, "National Women's League approves transition: source," *Taipei Times*, May 27, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/05/27/2003715870.

46 Chen Yu-fu and William Hetherington, "Assets committee bars KMT from selling Palau hotel," *Taipei Times*, September 3, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/09/03/2003699707; and Stacy Hsu, "Palau hotel probe not just a holiday: assets committee," *Taipei Times*, January 7, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/01/17/2003708089.

Central Motion Picture Company (CMPC, 中影股份有限公司) was originally a KMT affiliate before being sold in 2006. Then-KMT Chairman Ma Ying-jeou sold the company at a NT$1.8 billion loss. As a result of this determination, CIPAS froze the company's assets, worth NT$11.8 billion. During its investigation, CIPAS found CMPC documents with "party-run enterprise" on them, and it was also featured in the KMT's 1972 volume of party-run companies. When Ma sold the company in 2006, a former KMT lawmaker and others bought the shares at a discounted price, resulting in the significant loss.[47] Alex Tsai (蔡正元) and two others have gotten into legal trouble since the sale took place.[48] President Ma himself has gotten into trouble legal over his role in the sale of the CMPC and other companies during his time as chairman of the KMT before he won the presidency in 2008. In 2018, Ma was charged for "breach of trust" and violating the "Securities and Exchange Act."[49]

In August 2018, CIPAS determined that the China Youth Corps. (CYC, 中國青年救國團) was a KMT affiliate and subsequently froze its assets. The CYC was founded in 1952 under the purview of the Ministry of National Defense and had NT$5.61 billion in assets. Chiang Ching-kuo served as its first director for 21 years. The CYC owned 15 youth activity centers, 13 civic sports centers, and 62 cram schools. It was a part of the KMT until 1969, then from 1970 to 1988 it was a "social movement organization," and finally became a non-profit in 1989 around the same time as other KMT affiliates broke off.[50] On the surface, this ruling may seem unfair since the KMT was the government for decades, so it is natural for things to spring out of it. However, employees of the CYC, despite working for a non-profit, received government pensions as if they had worked as a government employee. The CYC also was responsible for coordinating propaganda efforts, holding "stability work joint meetings," and carried out "thought education" on college campuses in the 1980s.[51] The CYC now may work with Taiwanese youth, but it has deep roots within the KMT and propagated its rule for decades. The propaganda issue came up many times during the course of interviews with Taiwanese of all ages. The propaganda was so extensive that many elderly people in Taiwan are still afraid to speak out about their experiences during the authoritarian period and warn younger generations not to speak out because they still fear the ramifications. Many referred to the KMT propaganda and education efforts as "brainwashing" because it has been so successful.

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47 Sophia Yang, "KMT party assets feud: CIPAS to freeze assets of Taiwan's Central Motion Picture Co.," *Taiwan News*, September 12, 2018, https://www.taiwannews.com.tw/en/news/3528016; Stacy Hsu, "Asset committee declares CMPC as KMT-affiliated," *Taipei Times*, October 10, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/10/10/2003702087; and "Motion picture company CMPC designated as KMT affiliate," *Focus Taiwan News Channel*, October 9, 2018, http://focustaiwan.tw/news/aipl/201810090029.aspx.

48 For more on the buyers' legal troubles, see, Brian Hioe, "The Fall of Alex Tsai?," *New Bloom*, July 19, 2017, https://newbloommag.net/2017/07/19/fall-alex-tsai/; Li-chung and Jonathan Chin, "CMPC's Chuang narrowly avoids becoming fugitive," *Taipei Times*, December 21, 2017, http://www.taipeitimes.com/News/taiwan/archives/2017/12/21/2003684374; Hsiang Cheng-chen and Jake Chung, "Alex Tsai to pay CMPC millions in final court ruling," *Taipei Times*, December 21, 2016, http://www.taipeitimes.com/News/taiwan/archives/2016/05/21/2003646780; and Chen Wei-han, "CMPC value underestimated: report," *Taipei Times*, August 10, 2017, http://www.taipeitimes.com/News/front/archives/2017/08/10/2003676241.

49 For more on Ma's legal troubles, see, "Ex-president charged with breach of trust (update)," *Focus Taiwan News Channel*, July 10, 2018, http://focustaiwan.tw/news/aall/201807100017.aspx; Jason Pan, "Ma charged over sale of KMT assets," *Taipei Times*, July 11, 2018, http://www.taipeitimes.com/News/front/archives/2018/07/11/2003696466; "Ma reports his indictment to KMT top brass," *Focus Taiwan News Channel*, July 18, 2018, http://focustaiwan.tw/news/aipl/201807180024.aspx; and Matthew Strong, "Taiwan Ill-Gotten Assets Committee accuses ex-President Ma of misleading public," *Taiwan News*, November 1, 2018, https://www.taiwannews.com.tw/en/news/3565957.

50 "China Youth Corps determined to be KMT-affiliated, all assets frozen," *Focus Taiwan New Channel*, August 7, 2018, http://focustaiwan.tw/news/aipl/201808070021.aspx; and Chen Wei-han, "China Youth Corps denies KMT link," *Taipei Times*, October 25, 2017, http://taipeitimes.com/News/front/archives/2017/10/25/2003680991.

51 "Chen Yu-fu and Jonathan Chin, "Probe links Youth Corps to propaganda," *Taipei Times*, July 2, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/07/02/2003717973.

Madame Chiang Kai-Shek, founder of the National Women's League
(San Diego Air and Space Museum Archive)

Chiang Kai-Shek and Madame Chiang Kai-Shek

President Eisenhower visits with Chiang Kai-shek and Madame Chiang in Taipei, Taiwan. June 1960.

1995 Act Governing the Recovery of Damage of Individual Rights during the Period of Martial Law

Provided **compenstation** to individuals who could prove they were forced to confess and it also **restored their rights and property.**

1995 February 28 Incident Disposition and Compensation Act

Victims or family members of victims of the February 28 Incident could apply for compensation if their "life, body, liberty, or property [were] infringed as a result of this incident by employees of the government or by public authorities."

Created the Memorial Foundation of 228 and called for the establishment of the National 228 Memorial Museum.

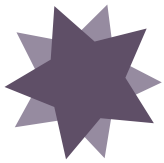
1998 Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period

Provided compensation for individuals "who were wrongfully tried on charges of sedition and espionage."

2016

Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations

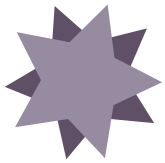
Established the Ill-Gotten Party Assets Settlement Committee.



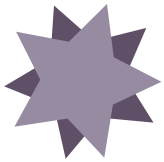
Allows for the investigation of KMT financial abuses and determines whether or not an organization is a KMT affiliate.

2017

Act on Promoting Transitional Justice



Established Transtional Justice Commission.



Responsible for opening up of political archives, investigating and overturning wrongful convictions, cataloguing and removing authoritarian symbols, and preserving unjust sites.

Kuomintang Old Central Party Building (CIPAS)

The last notable case involves two investment firms connected to the KMT: Central Investment Company (中央投資公司) and its spinoff, Hsinyutai Company (欣裕台股份有限公司). The two companies have a combined value of NT$15.4 billion. The former was founded in 1971 with an initial investment of NT$200 million. The KMT argued that it raised money legitimately from fundraising drives and from using the money and gold it took when it fled Mainland China in 1949 and that the money used to fund the Central Investment Company was not "ill-gotten." However, the CIPAS when announcing that it determined the two were KMT affiliates said that the KMT is the only shareholder in the companies and controls how the companies are managed. In 2007, the KMT put its shares in a trust, and they were transferred back to the KMT in September 2016. CIPAS Chairman Lin refuted the legitimacy claim by arguing the KMT did not have the necessary funds in 1971 because the party ran a financial deficit of NT$253.5 million from 1953 to 1971, with only two years of a surplus.[52] For these reasons, CIPAS named them as KMT affiliates and froze their assets.

These different examples demonstrate how pervasive KMT control was during the authoritarian period and beyond. It had its own movie company, youth centers, and investment firm. The state of control that the KMT perpetuated for decades did not end in 1989 as is evident by these KMT affiliates. Even though they did not have a formal, legal connection to the KMT after 1989, former KMT members still ran the organizations, or the organizations were sold to former KMT members at discounted rates. This behavior is not the behavior of a normal political party, but one that seeks to maintain its dominance over the country.

Database of Assets

In June 2019, the CIPAS completed a part of its mandate when it launched an online database of properties connected to Taiwan's political parties. The database has 30 "significant cases" and 1,896

52 Chen Wei-han, "KMT reveals Central Investment data," *Taipei Times*, October 31, 2016, http://www.taipeitimes.com/News/front/archives/2016/10/31/2003658261; Chen Wei-han, "Central Investment, Hsinyutai are KMT assets: Koo," *Taipei Times*, November 2, 2016, http://www.taipeitimes.com/News/front/archives/2016/11/02/2003658395; and Sean Lin, "KMT told to hand over investment firm," *Taipei Times*, November 26, 2016, http://www.taipeitimes.com/News/front/archives/2016/11/26/2003660011.

total cases at the time of writing.[53] The website does not just include properties deemed "ill-gotten;" it is a complete database of all properties owned by all political parties until 1987—including properties sold and still owned. The database is the result of the CIPAS' years-long investigations into political parties and their assets. The database includes properties discussed above, such as the National Women's League, and other notable properties obtained by the KMT throughout Taiwan. Each entry provides a history of the location's ownership, outlines how the KMT or affiliate obtained it, and provides a list of other helpful videos and timelines that explain these issues in other formats. The database provides the public and interested scholars with one location where it can view the past and current holdings of almost all of Taiwan's major political parties. Having this resource will be invaluable for future research into Taiwan's political history—as long as the website remains online during a future transition from the DPP to KMT and does not meet the same fate as the Chen administration's attempt.

(Left: Vice President Chen Chien-jen. Center: former President Ma Ying-jeou. Right: former President Lee Teng-hui.
(Taiwan Presidential Office/Flickr)

(Taiwan Presidential Office/Flickr)

(Thomas J. Shattuck)

53 To view the database, go to https://cipas-pad.nat.gov.tw/.

Transitional Justice Commission

While CIPAS has a limited focus on party assets, TJC has the more daunting task of investigating various issues pertaining to the authoritarian period in Taiwan. TJC is responsible for three main matters: "(1) providing for public access to political archival records; (2) removing authoritarian symbols and preserving sites where injustices were committed; and (3) redressing judicial wrongs, restoring historical truth, and promoting social reconciliation."[54] Each of these matters alone could have its own commission, but TJC is responsible for all of them. Due to the many facets of the TJC's mandate, this section will highlight the law's key points that govern the commission. The commission has two years from its creation to submit a "complete investigation report, a planning proposal, and concrete implementation measures."[55]

In order to complete these tasks, TJC is given some level of authority to conduct investigations. Given that its main goal is to "reconstruct the true historical facts of the period of authoritarian rule and promote social reconciliation," it must launch several different types of investigations and cast a wide net to get to the basic truth.

> *The TJC shall take the initiative to investigate the truth and, on the basis of the archival materials acquired . . . shall invite concerned parties to express their views, so as to uncover the facts surrounding human rights abuses and to ascertain the responsibility of perpetrators and participants in mechanisms of oppression.*
>
> *The TJC, acting on the basis of related statements, investigative findings, and archival materials, shall write investigative reports, plan measures for vetting and removing abusive public employees, and draw up related remedy procedures.*[56]

This section outlines four main tasks of TJC and the key developments that have occurred since its creation.

Opening Archives

Almost every academic interviewed—no matter their political leaning—has noted the importance of following through on opening the archives. Doing so would provide the greater public—and the rest of the world—a peek into the operations of the authoritarian regime. KMT-leaning individuals want the archives released in order to show that the controversies are overblown, while DPP-leaning individuals want the archives released in order to show the extent of the atrocities committed by the KMT. The law provides guidelines for how the TJC is supposed to carry out the opening of KMT archives:

> *Materials related to political archival records collected, produced, or established as the result of violations of the liberal democratic constitutional order during the period of authoritarian rule shall be acquired, assembled, preserved, and—with balanced consideration for the privacy rights of the parties to the subject matter of archival records as well as the need for freedom of information, transitional justice research, democracy, rule of law, and human rights education—*

54 Laws & Regulations Database of the Republic of China, "Act on Promoting Transitional Justice," Article 2, Ministry of Justice of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030296.

55 "Act on Promoting Transitional Justice," Article 11.

56 "Act on Promoting Transitional Justice (促進轉型正義條例)," Article 4.

Cataloging KMT archives (Transitional Justice Commission)

Chen Shui Bian (Jamali Jack/www.illimagez.webs.com)

促進轉型正義委員會
Transitional Justice Commission

Major Responsibilities

- Opening archives
- Removal of authoritarian symbols
- Preservation of unjust sites
- Exoneration of political victims

shall be categorized and made available for public access.[57]

The archive issue in Taiwan is unique among countries carrying out transitional justice initiatives because the KMT still exists: "Because the KMT still exists, [the archives] still belong to them. The KMT claims that these are our documents, so we should not have to share or make it accessible."[58] The fact that KMT is still a functioning political party that wins elections complicates matters.

Ms. Yeh Hong-ling (葉虹靈) of the Transitional Justice Commission noted that it is not just the KMT as a political party that complicates matters, but the staff of the archives and how they are trained. "The people at the archives, their education and training and political background is in keeping it all secret and not sharing it. . . . Democratization and accessibility to this information is something that they have to reconcile to get this done. The people related to national security see it as a necessary evil not to share this information for national security [purposes], but the point of this committee is to get it all out and open and to reflect on what the country has done."[59] Convincing these workers and the KMT at large has been a Sisyphean task for TJC, but one that is needed for Taiwan.

The Tsai administration has worked to achieve the goal of declassification. In February 2017, Tsai announced that all documents related to the February 28 Incident had been declassified. A total of 4,617 documents, or 1.37 million pages, were made available to the public, and the government would launch a three-year project to research the

57 "Act on Promoting Transitional Justice (促進轉型正義條例)," Article 4.

58 Author's interview with TJC Commissioner Yeh Hong-ling, Feb. 23, 2019.

59 Ibid.

documents.[60] Declassifying documents on the Incident was a priority for academics conducting their own research into the government documents. However, the February 28 Incident is only one episode in a decades-long period of martial law and repression. More information is needed to come as close as possible to full historical truth.

In July 2019, the Legislative Yuan passed the Political Archives Act (政治檔案法). The law's goal is to declassify government documents concerning matters from August 15, 1945 to November 6, 1992, including documents involving the February 28 Incident. Government agencies have six months to determine which documents to declassify and which documents to lower the classification level on. Certainly, documents that have been classified for more than 30 years should be declassified. Individuals who attempt to stop or slow the this process could face imprisonment.[61] While this law will help to bring to light many things that occurred during the authoritarian period, and hopefully assuage some complaints from academics and political victims, documents involving the Formosa Incident, Lin Family Massacre, and the death of Chen Wen-chen are not affected by the law. Interestingly, it was Chen Shui-bian who made them "permanently classified" in 2003.[62] President Tsai noted at an exoneration ceremony that she would attempt to get these document released, "Regarding political files related to the Formosa Incident and Chen's death, which are currently categorized as permanently classified, I will lead national security agencies in reviewing such documents' level of classification in accordance with the new act and endeavor to restore as much truth as we can." Since these events are some of the most important ones for the democracy movement during the authoritarian period, getting them declassified is a priority.

The Statue Issue

The next major task for TJC is finding an appropriate way to deal with the country's statues of Chiang Kai-shek, and to a lesser extent his son Chiang Ching-kuo. While the archive issue does not necessarily affect each person in Taiwan, the statue issue has become the most public fight because statues/monuments by their very nature are meant for public exposure and enjoyment. The law states,

> *In order to establish a liberal democratic constitutional order, deny the legitimacy of authoritarian rule, and learn the historical lessons of human rights abuses, symbols appearing in public buildings or places that commemorate or express nostalgia for authoritarian rulers shall be removed, renamed, or dealt with in some other way.*[63]

Since Chiang Kai-shek had—and still has—such an elevated place in Taiwanese society because he controlled both the KMT and society during the authoritarian period, his likeness can be found across the country, not to mention schools, buildings, and streets that are named after him.

The statue debate can be divided into two parts: what to do with statues and what to do with the Chiang Kai-shek Memorial Hall. The statues of Chiang and his son are displayed all over Taiwan, while the Memorial Hall is a popular tourist attraction located in the center of Taipei.

60 Stacy Hsu, "All 228 Incident documents declassified," *Taipei Times*, Feb.7, 2017, http://www.taipeitimes.com/News/front/archives/2017/02/27/2003665775.

61 Huang Hsin-po and Sherry Hsiao, "Third reading of political archives act passes floor," *Taipei Times*, July 5, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/07/05/2003718163.

62 The designation of these documents came up during an interview with Shih Ming-teh, who was angered by Chen's decision because he is not able to learn more about the decisions and circumstances surrounding his imprisonment after the Formosa Incident. He believes that the DPP wants to protect certain people and is afraid to open the archives fully.

63 "Act on Promoting Transitional Justice (促進轉型正義條例)," Article 5.

In May 2019, TJC released a progress report,[64] and parts of the update break down these two issues as different tasks. The report found that in the reporting counties, there were 1,239 monuments (statues and portraits) of the two Chiangs. This number includes 837 statues and 104 portraits of Chiang Kai-shek and 38 statues and 31 portraits of Chiang Ching-kuo. There are also 577 places named after them. Taipei (129), Taoyuan (111), Taichung (98), and Kaohsiung (82) have the highest number of Chiang statues, and Taoyuan (67), Tainan (63), Kaohsiung (62), and New Taipei City (51) have the highest number of named spaces. The statues are found in government buildings, schools, gyms, markets, and other public places. So far, 227 statues already have been moved to Cihu Mausoleum, where Chiang Kai-shek's body lies in state.[65] Many of the statues relocated to the statue park pre-date the Tsai administration. Now that TJC has catalogued all of the statues in Taiwan, it must determine the path forward in dealing with the remaining ones. They can be moved to Cihu, destroyed, or have a placard explaining Chiang's role in the White Terror. Possessing the data is one thing, but acting on its mandate is another task entirely.

Due to Chiang's role as the head of the government and KMT during the authoritarian period, his statues have become targets for vandalism. Individuals deface or damage the statues often around the week before the annual anniversary of the February 28 Incident. In 2015, a number of Chiang statues were vandalized in Taichung City, Keelung, Taipei, and Taoyuan. People generally, as in 2015, graffiti the statues with words like "murderer," "killer," and "villain," while others cut off pieces of the statues, such as the head. One of the reasons that statues are moved from their location to the Cihu park is that protecting them from vandalism is a waste of the police's resources.[66] In 2017, the Taiwan Nation Founding Engineering Team beheaded a statue in Yangmingshan National Park and also painted "serial killer" and "228 mastermind" on the statue.[67] Another group attempted to behead another statue in the park in June 2017.[68] College campuses with statues of Chiang also frequently find them defaced around the February 28 holiday; it happened on January 10, 2017 and February 28, 2017 at Fu Jen Catholic University and on February 28, 2014 and February 22, 2019 at National Chengchi University.[69] The defacement of these statues presents a safety issue for the government to address. These actions split society based on political leaning and views of Chiang.

The debate about what to do with the Memorial Hall is more complicated because TJC must work with the Ministry of Culture (MOC), as well as the Ministry of National Defense (MND). Meetings with scholars, victims and their family members, and civil society have been convened to discuss options and ideas for what to do with the space under the guidance of principles that include "lifting the

64 The progress report can be accessed here, https://admin.tjc.gov.tw/public/cipas-uploads/policy/2019/06/72b28bcdd849c9bbc1dedb-82614c753c.pdf.

65 "December 1, 2018 to May 31, 2019 Progress Report," Transitional Justice Commission, May 31, 2019, p. 23, https://admin.tjc.gov.tw/public/cipas-uploads/policy/2019/05/2bde13920e1caac868681656064076a0.pdf.

66 Stacy Hsu, Chiang Ching-ya, and Tsai Shu-yuan, "Rash of 'defacements' hits Chiang Kai-shek statues," *Taipei Times*, March 2, 2015, http://www.taipeitimes.com/News/front/archives/2015/03/02/2003612564; and Chen Yu-fu and William Hetherington, "Legislator urges action on Chiang Kai-shek statues," *Taipei Times*, June 4, 2019, http://www.taipeitimes.com/News/taiwan/archives/2019/06/04/2003716310.

67 Sean Lin, "Yangmingshan Chiang Kai-shek statue beheaded," *Taipei Times*, April 23, 2017, http://www.taipeitimes.com/News/front/archives/2017/04/23/2003669253.

68 Jason Pan, "Court drops case against vandals of Chiang statue," *Taipei Times*, Sept. 28, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/09/28/2003701315.

69 Franis Kuo, "Chiang Kai-shek statue vandalized in Fu Jen Catholic University," *UCA News*, March 2, 2017, https://www.ucanews.com/news/chiang-kai-shek-statue-vandalized-in-fu-jen-catholic-university/78545; "University to press charges over Chiang statue," *Focus Taiwan New Channel*, Feb.22, 2019, http://focustaiwan.tw/news/aipl/201902220018.aspx?fbclid=IwAR2u6bNx4gsAntHsc9k-pyRklQLJyMvUoZmAvsWvydD9cObSg8B4qRbf7TEM; and Keoni Everington, "Taiwanese students chop leg off Chiang Kai-shek equestrian statue," *Taiwan News*, Feb. 22, 2019, https://www.taiwannews.com.tw/en/news/3643562.

The Statues of National Chengchi University

The February 2019 incident at National Chengchi University (NCCU) is a great example that demonstrates the statue issue in Taiwan. In the early morning of February 22, students from National Taiwan University threw red paint on a statue of Chiang riding a horse on the campus of NCCU. They also sawed off one of the horse's legs and hung a banner that said, "Do not forget the 228 Incident."[1] The students did this in response to the Blue Sky Action Coalition's vandalizing a part of the 228 Peace Memorial. The university covered the statue with a tarp and prevented others from accessing the statue by blocking it with fencing. In May 2019, the university unveiled a renovated statue area protected by a clear casing to prevent future damage.

TJC Commissioner Yeh said in an interview the next day that such actions do not help the work that TJC seeks to do, but she "understands the frustrations of the students. We actually encourage the schools to vote on these issues on their own." In its official statement, TJC said it lamented the actions of the students, but understands where the students are coming from and that these actions can cause a vicious cycle of responses and reprisals.[2] The student group also issued a statement explaining their actions, demanding that universities remove all authoritarian symbols from campuses.[3]

When interviewed, a number of faculty members consistently emphasized that the vandals were not from NCCU, but from other universities and that the statues of Chiang on campus commemorate his role as founder and first president of the university.

Before this incident, NCCU debated and eventually passed a motion to remove one of its two statues. The moved statue was vandalized in 2014 in the university library. It was not destroyed, but relocated to Hua Hsing Children's Home. The horse statue that remains is not located in an area where many people walk through.

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1 Keoni Everington, "Taiwanese students chop leg off Chiang Kai-shek equestrian statue," Taiwan News, February 22, 2019, https://www.taiwannews.com.tw/en/news/3643562; "University to press charges over Chiang statue vandalism," Focus Taiwan News Channel, February 22, 2019, http://focustaiwan.tw/news/aipl/201902220018.aspx; and Wu Po-hsuan and Jake Chung, "NCCU to demand redress for defaced Chiang statue," Taipei Times, February 23, 2019, http://www.taipeitimes.com/News/front/archives/2019/02/23/2003710249.

2 "In response to today's (22) Japanese government's Chiang Kai-shek's horse-riding bronze statue, the horse's feet were sawed and the transfer was announced," Transitional Justice Commission, February 22, 2019, https://www.tjc.gov.tw/presses/106.

3 Shot for Democracy (公民攝影守護民主陣線), "Issues, greed, greed, entanglement, transformation, justice, etc.," https://www.facebook.com/1423122557959940/posts/2272659856339535/.

Covered statue at National Chengchi University
(Thomas J. Shattuck)

Defaced statue at National Chengchi University Library
(Li Fu-Chung)

(Thomas J. Shattuck)

authoritarian character of the existing landscape, bearing in mind the historical trajectory from authoritarian rule to challenge authoritarianism, promoting human rights, democracy, rule of law related research and popularization of civic education,"[70] among others.

The efforts to collect information on the statues and to determine what to do with them has caused consternation both within the Tsai government and amongst the population. While the TJC recommended to remove the honor guard at the Memorial Hall as a part of the plan to remove authoritarian characteristics, the MND noted that it would "maintain the status quo"[71] until the MOC changes the designation of the Hall and recommends the removal of the honor guard.[72] The MND also noted that Chiang was an "important figure in the founding of the national army,"[73] demonstrating how different ministries have varying opinions on Chiang's legacy. Also, KMT protesters have interrupted public meetings related to these issues,[74] and in January 2019, Minister of Culture Cheng Li-chun (鄭麗君) was slapped at an event due to her attempts to "discredit" Chiang and the administration's "anti-Chiang' policy.[75] The individual who slapped Minister Cheng, singer Cheng Hui-chung (鄭惠中), was not charged for the incident because Minister Cheng did not file charges and because according to the Taipei District Prosecutor's Office, she attended the event in an unofficial capacity so singer Cheng cannot be charged for "obstructing a government officer in the discharge of her duties."[76] This particular incident demonstrates how divided Taiwanese society is over what to do with Chiang Kai-shek, particularly among the older generation who still admire him for what he did for the country.

Also, like the defacement of individual statues, the Chiang statue at the Memorial Hall as well as Chiang's tomb in Cihu have been vandalized in the past. In July 2018, a group of protesters threw red paint onto the Memorial Hall statue; during the incident, they also hoisted a banner that said "Eliminate Chinese Tyranny, Build Taiwan's Own Republic."[77] This same group threw red paint on Chiang's tomb on February 28, 2018 to protest his role over those killed in Taiwan during his time in control. The mausoleum was closed until July 8, 2018, and visitors now only can view Chiang's coffin through a window to prevent another

70 "20181217 Press Conference for the Semi-annual Task Progress Report Press Conference," Transitional Justice Commission, Dec. 17, 2018, https://www.tjc.gov.tw/presses/91.

71 Duncan Deaeth, "Taiwan's Ministry of Nat. Defense rebuffs Transitional Justice Commission proposals," *Taiwan News*, December 17, 2019, https://www.taiwannews.com.tw/en/news/3598686.

72 Cheng Jiawen and Hong Zhezheng, "Transitional Justice Commission Requests Taking Down Chiang Kai-shek Statue, Ministry Of National Defense's Response: Maintain Status Quo [促轉會要求拆蔣公銅像 國防部回應：維持現狀," *UDN*, December 17, 2018, https://udn.com/news/story/10930/3541777?from=udn-ch1_breaknews-1-0-news.

73 Deaeth, "Taiwan's Ministry of Nat. Defense rebuffs Transitional Justice Commission proposals."

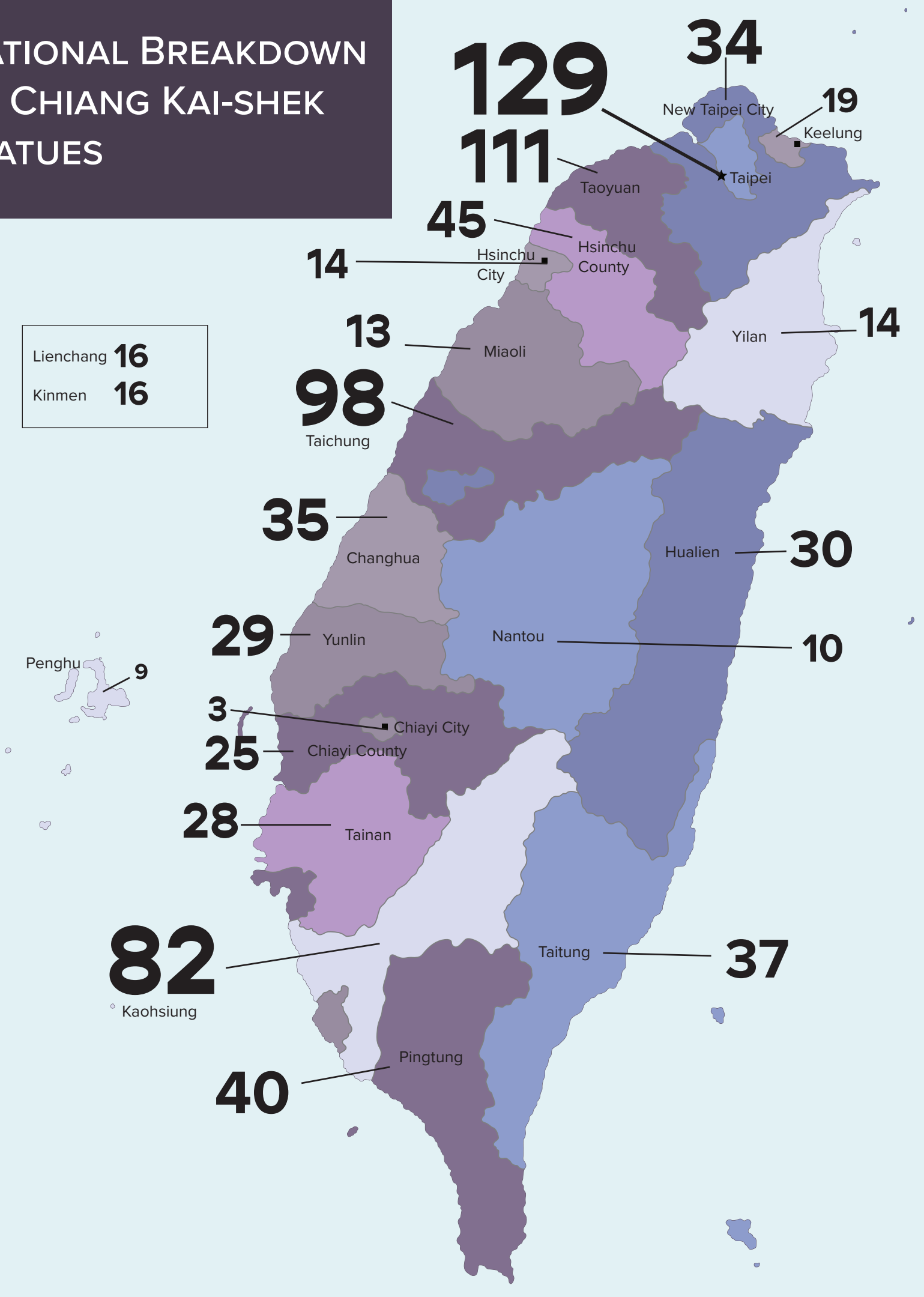
74 Xie Mengying, "Kuomintang 'Flips a Table' and Causes Trouble: They Tell Transitional Justice Commission to 'Abolish the Eastern Depot,' Have They Forgotten the Kuomintang Itself is the Inheritor of the Eastern Depot?" [【國民黨掀桌又大鬧】對促轉會喊「滅東廠」，國民黨忘了自己才是東廠繼承人？]" *Buzz Orange*, December 11, 2019, https://buzzorange.com/2018/12/11/kmt-forgot-that-they-were-the-murderer/.

75 "Minister Gets Slapped: Cheng Li-chun Gets Slapped, Organizers Apologize That 'It was an act by An Individual'" [【部長挨耳光】鄭麗君遭呼巴掌 主辦單位道歉「純屬個人行為」]," *Yahoo News*, January 22, 2019; "Taiwan entertainer faces jail for slapping minister over history row," *France 24*, January 24, 2019, https://www.france24.com/en/20190124-taiwan-entertainer-faces-jail-slapping-minister-over-history-row; "Culture Minister Slapped by Singer Over CKS Memorial Hall Policy," *The News Lens*, January 23, 2019, https://international.thenewslens.com/article/112519; and

76 "No charges against entertainer who slapped culture minister," *Focus Taiwan News Channel*, July 16, 2019, http://focustaiwan.tw/news/asoc/201907160013.aspx.

77 Stacy Hsu, "Protesters decade CKS Memorial Hall," *Taipei Times*, July 21, 2018, http://www.taipeitimes.com/News/front/archives/2018/07/21/2003697068/1.

National Breakdown of Chiang Kai-shek Statues



See inside cover page for sources

similar incident.[78] During a site visit in early March 2019, the mausoleum was closed to visitors as a precautionary measure due to the high likelihood of an attempt to vandalize the area around the holiday. The defacement and vandalization of things related to Chiang Kai-shek have not abated over time, and the government—through its transitional justice initiatives—must find a way to deal with the issues of authoritarian symbols and public safety.

Preservation of Unjust Sites

The inverse task of the removal of authoritarian symbols is the preservation of sites where human rights abuses occurred. The law states, "Places where the rulers engaged in large-scale human rights abuses during the period of authoritarian rule shall be preserved or rebuilt, and plans shall be made for their designation as historic sites."[79] Some places, like the Sheraton Grand Taipei Hotel, have been repurposed or purchased by private companies. The Sheraton was formerly part of the KMT's military law bureau. The new National Human Rights Museum in New Taipei City was home to the Military Justice Academy as well as the National Military Xindian Fuxing Camp, where prisoners were detained and tried. The Museum provides multi-lingual audio tours of the prison and courts as well as tours in Chinese provided by former prisoners. This museum also has a branch on Green Island, where prisoners were sent. The site was the New Life Correction Center and later the Oasis Villa.

Other sites that have been preserved are a cemetery in Liuzhangli, now called the Martial Law Era Victims Memorial Park, where many White Terror victims are buried (the preservation of this site pre-dates the Tsai administration after family members and civil society complained about the dire state of the cemetery), as well the Machangding Memorial Park, where the KMT executed people for a time. The park, located on a river bank, has a giant mound with the inscription, "The 1950s marked a martial law period where hot-blooded men and righteous men who pursued social justice and political reform were arrested and executed near the Machangding mound. Machangding mound is preserved in memory of this historical event and the heroic death of the thousands who have sacrificed their lives for Taiwan. It is also a place for future generations to visit and pay their respect." The execution grounds were moved to Ankeng in 1954 and is now a cemetery.

The National Human Rights Museum has a database of over 40 unjust sites in Taiwan, which includes the ones mentioned above.[80] Through the preservation, restoration, or identification of these sites, the people of Taiwan are able to bear witness to the country's dark past, and visitors are able to learn about this chapter in Taiwan's history.

Exonerating Political Victims

The last of the major tasks of TJC is the overturning of wrongful convictions of political prisoners. Perhaps the least controversial action to Taiwanese society, the spirit of this matter is to rehabilitate the older generation, but interestingly, it also has the most complicated and provocative history because civil society had been pushing for this since martial law was lifted and many individuals convicted already had received reparations and compensation for their imprisonment.

78 "Chiang Kai-shek's Tomb Splattered With Red Paint As Taiwan Marks Massacre," *Radio Free Asia*, Feb. 28, 2018, https://www.rfa.org/english/news/china/taiwan-228-02282018140548.html; "Tomb of Chiang Kai-shek vandalized on 228 Peace Memorial Day," *Focus Taiwan News Channel*, Feb. 28, 2018, http://focustaiwan.tw/news/aipl/201802280010.aspx; and Renée Salmonsen, "Taiwan reopens Chiang Kai-shek Mausoleum," *Taiwan News*, July 9, 2018, https://www.taiwannews.com.tw/en/news/3477440.

79 "Act on Promoting Transitional Justice (促進轉型正義條例)," Article 5.

80 For more information about these sites: Martial Law Era Victims Memorial Park, see Chang Tze-wu, "The Graveyard At The Center Of Taiwan's White Terror Period," *Taiwan Gazette*, February 27, 2019, https://www.taiwangazette.org/news/2019/2/26/the-graveyard-at-the-center-of-taiwans-white-terror-period; National Human Rights Museum, https://en.nhrm.gov.tw/; and Machangding Memorial Park, https://www.travel.taipei/en/attraction/details/554. To access the National Human Rights Museum database of unjust sites, go to: https://hsi.nhrm.gov.tw/home/zh-tw/injusticelandmarks.

Table 2: Breakdown of Political Victims Exonerated by the Transitional Justice Commission

Date	Article 6, paragraph 3, Point 1	Article 6, paragraph 3, Point 2
October 4, 2018	1,270 people	n/a
December 7, 2018	1,500 people	5 people
February 27, 2018	1,050 people	6 people
May 30, 2019	1,999 people	7 people
Total	5,819 people	18 people
	5,837 people	

Note: The victims in the first column are those who had previously received "reparations, compensation, or restoration of damaged rights pursuant to the February 28 Incident Disposition and Compensation Act, the Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period, or the Act Governing the Recovery of Damage of Individual Rights during the Period of Martial Law," while those in the second column "received a criminal conviction that the TJC, acting ex officio or upon application by a concerned party, has determined to be a judicial wrong that must be redressed."

Article six of the law is worth quoting at length because it explains how former prisoners' cases should be treated:

> *Criminal prosecutions carried out or sentences imposed during the period of authoritarian rule that violated the liberal democratic constitutional order and the principle of fair trial shall be re-investigated without regard to the provisions of Article 9 of the National Security Act in order to redress judicial wrongs, highlight judicial fairness, rectify education on the rule of law and human rights, and promote social reconciliation. . . .*
>
> *Where a person matching either of the following descriptions has been convicted on the basis of the same reasons and facts, the conviction and any punishment, rehabilitative measure, or confiscation rendered against that person shall be deemed void from the date on which this Act enters into force, and the voidance shall be publicly announced:*
>
> *a victim who has received reparations, compensation, or restoration of damaged rights pursuant to the February 28 Incident Disposition and Compensation Act, the Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period, or the Act Governing the Recovery of Damage of Individual Rights during the Period of Martial Law; or*
>
> *a person not meeting the description in the preceding subparagraph who has nevertheless received a criminal conviction that the TJC, acting ex officio or upon application by a concerned party, has determined to be a judicial wrong that must be redressed.*

Tsai Kuan-yu Exonerated

Tsai Kuan-yu, another political victim interviewed for this project, was exonerated at the July 2019 ceremony at the Sheraton Grand Taipei Hotel. When interviewed, he discussed how the KMT tortured him during interrogation by not allowing him to sleep, bathe, or use the restroom, by pushing needles under his fingernails, and by forcing him to kneel and balance water without spilling it. He noted how the interrogators would ask him one question at a time, and depending on his answer, they would resume torturing him. Mr. Tsai, who spent 7 years at Taiyuan Prison and was a part of the Taiyuan Incident, spent over one and a half years at the prison that is now the Sheraton in addition to four other locations. He has since become a leading activist in the transitional justice movement in Taiwan.

(Transitional Justice Commission)

> *A conviction voided pursuant to the provisions of the preceding paragraph shall be expunged from the record.*

As discussed earlier, victims of the February 28 Incident as well as victims/political prisoners of the White Terror have received compensation for their treatment by the KMT government. However, despite receiving compensation, their criminal records were not expunged, and the KMT would not accept responsibility or admit fault. In addition, excluding Article 9 of the National Security Act in these decisions was an important—and necessary—step in helping convicted individuals have their convictions overturned. Article 9 prevented individuals convicted in military courts from appealing their cases to civilian courts. When challenged in 1991, Taiwan's court upheld the constitutionality of the article, preventing some people from receiving reparations, getting confiscated property returned, and having their records expunged.[81] Without needing to consider this piece of law, TJC is able to review cases of essentially anyone imprisoned by the KMT during the authoritarian period. People who already had received compensation, would have their conviction overturned automatically. People who have not received any prior compensation require TJC to launch an investigation. There is plenty of documentation available for TJC to use in making its determinations, so TJC actually can see when someone did not have an attorney or their appeal was ignored because all of these legal processes were documented at the time.

TJC regularly holds ceremonies in which they formally announce the reversal of convictions and apologize to the victims and/or family members. TJC Commissioner Yeh noted the importance of these ceremonies. "For the families, it still means a lot to reverse the convictions. We invite the families to come to these events. . . . Officials directly

81 Wu, "Transition without Justice, or Justice without History: Transitional Justice in Taiwan," p. 11.

apologize to the families [and victims]."[82] These ceremonies demonstrate to the greater public that the government has taken responsibility for what occurred in the past—even though the party in power right now, the DPP, had nothing to do with the atrocities. Apologizing to the victims in person also shows that the government truly wants to prevent such a travesty from ever happening again.

In July 2019, the Tsai government held an exoneration ceremony at the Sheraton Grand Taipei Hotel, which was at one time part of the KMT's military law bureau. This ceremony exonerated 3,062 individuals, including current Presidential Office Secretary General Chen Chu (陳菊) and former Vice President Annette Lu (呂秀蓮), bringing the total number of those exonerated to 5,837.[83] Both Chen and Lu were members of the "Kaohsiung Eight" who participated in the "Formosa Incident" in 1979 and were subsequently tried and jailed for their democracy activism. At a 2018 event at the Center for Strategic and International Studies (CSIS) (before her official exoneration), Chen said that transitional justice is not about revenge, but to uncover the truth of history.[84] Table 2 below breaks down when individuals were exonerated and under what part of the law their exoneration came from.

While nearly 6,000 people have been exonerated, no perpetrators have been named publicly. As Wu Naiteh of Academia Sinica noted in a 2005 article, due to the way in which transitional justice has been approached and carried out in Taiwan, "this approach to transitional justice makes Taiwan a case with ten thousand victims but not a single perpetrator."[85] The unnamed perpetrators are individuals who served in the KMT in various capacities, including "the core ruling elite and those personnel, mostly in the military and security forces, who acted on the former's direct and implicit order, but sometimes on their own initiative."[86] These actions could include the torturing of prisoners, as in the case of Tsai Kuan-yu and countless others; the murder of the family of Lin Yi-hsiung (林義雄)[87] in 1979; the gunning down of civilians after the February 28 Incident, the unjust detainment and killing of activists, local elites, and dissidents; the judges and prosecutors who abused their power; and the bureaucracy that facilitated these actions.

There are different levels of culpability for these individuals, but the fact that nearly 6,000 people have been exonerated and thousands were unceremoniously killed in the immediate aftermath of the February 28 Incident and through the authoritarian period is unconscionable. Chiang Kai-shek and Chiang Ching-kuo, while rightfully considered the architects of oppression, were not alone in carrying out the atrocities in Taiwan. As Zhou Wan-yao of National Taiwan University said in an interview, Chiang Kai-shek would change some convictions from a few years in prison to execution or a life sentence. The changing of these verdicts from prison time to execution was illegal. In one particular case, Chiang changed a five-year prison sentence to execution.[88] Without a true accounting of perpetrators, transitional justice can only go so far in Taiwan.

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82 Author's interview with Yeh Hong-ling, Feb. 23, 2019.

83 "Ceremony held to mark exoneration of 3,062 political victims," *Focus Taiwan News Channel*; and "TJC Announces Guilty Verdict Cancellation Ceremony," Transitional Justice Commission, July 7, 2019, https://www.tjc.gov.tw/news/130.

84 To watch the event, go to: https://www.youtube.com/watch?v=n19qp0gvz-w.

85 Wu Naiteh, "Transition without Justice, or Justice without History: Transitional Justice in Taiwan," p. 2.

86 Ibid.

87 Mr. Lin was declined to be interviewed for this project.

88 Interview with Zhou Wwan-yao, May 24, 2019. See, also, her article on this topic, 自由開講》來自過去的「呼巴掌」！, *Liberty Times*, January 24, 2019, https://talk.ltn.com.tw/article/breakingnews/2681568.

Secretary General to the President of the Republic of China Chen Chu speaks at a ceremony exonerating her and other political victims. (Transitional Justice Commission)

Scandal and Public Confidence

Transitional justice in Taiwan always has been controversial because, for many years, the KMT—the party in power during the authoritarian period that committed the atrocities now requiring transitional justice—was administering the various mechanisms of compensation and reparations. However, after Tsai became president, the KMT consistently has accused her government of using transitional justice as a political weapon. And prior to the 2018 midterm election in Taiwan, a TJC member's comments stoked the flames of that accusation.

In September 2018 (about five months after the TJC's formation), a member of TJC, Wu Pei-jung (吳佩蓉), leaked an audio recording of an unofficial meeting where then-Deputy Chairman Chang Tien-chin (張天欽) made controversial remarks about a KMT member. Chang was recorded complaining how Hou You-yi (侯友宜), who was running for mayor of New Taipei City at the time, was "the worst example of transitional justice."[89] The *Taipei Times* reported that he allegedly said, "It will be a pity if we do not manipulate [public opinion] against Hou."[90] Chang made the comments in reference to the TJC drafting a "lustration" law that could be used against Hou due to his role in the self-immolation of democracy activist Deng Nan-jung (鄭南榕). Lustration, common in many post-Soviet countries particularly in the Baltic states, is a policy that seeks to bar former officials from authoritarian regimes from holding higher office (elected or otherwise). Hou led the Taipei Police Department's Criminal Investigation Division and was in charge of the effort to arrest Deng, who had barricaded himself in his office for 71 days after publishing the "Taiwan Republic Constitution."[91] Before joining the KMT, the DPP had tried and failed to recruit

89 "Transitional Justice Commission vice chairman resigns," *Focus Taiwan News Channel*, Sept. 12, 2018, http://focustaiwan.tw/news/aipl/201809120023.aspx.

90 Stacy Hsu, "Deputy chairman resigns from Transitional Justice," *Taipei Times*, Sept. 13, 2018, http://www.taipeitimes.com/News/front/archives/2018/09/13/2003700317.

91 Ho Yu-hua, Lai Hsiao-tung, and Sherry Hsaio, "KMT's Hou You-yi criticized over Deng Nan-jung comments," *Taipei Times*, March 17, 2018, http://www.taipeitimes.com/News/taiwan/archives/2018/03/17/2003689463.

Hou to join—adding another wrinkle to the story.[92]

After the comments were made public, Chang resigned from TJC, along with four others present at the meeting. The next month, TJC Chairman Huang Huang-hsiung resigned in an effort to allow TJC to move past the incident. Huang noted how damaging Chang's comments were in a statement, "The Sept. 12 incident ruined the big picture and overshadowed the commission soon after its establishment with the stigma of being another Eastern Depot."[93] Huang's hope of the country moving on from the incident after his resignation never materialized, and this incident still overshadows TJC almost one year later. TJC still lacks a Legislative Yuan-approved chairperson as Yang Tsui (楊翠) has been acting chair since October 2018; it is unlikely that she—or someone else—will be confirmed in the future.

The lasting damage caused by Chang forced the TJC to spend time conducting an internal investigation and playing defense on KMT accusations about how it was not an independent entity, but a DPP weapon. In an interview, TJC Commissioner Yeh emphasized how the Tsai government did not try to influence TJC, but that the scandal changed how the public perceived them and gave the KMT the ability to use it in political attacks.[94] Many individuals interviewed for this report emphasized how damaging the Chang incident was for the job of the TJC and how the public perceives what it is doing. Chair of Legislative Yuan's Foreign Affairs and National Defense Committee Wang Ting-yu (王定宇) said that the comments "do pollute the righteous[ness] of the TJC," and the incident "offer[ed] them [the KMT] a window to fight back."[95] Despite the opening of the archives, statue removal, and the exoneration of political victims, Chang's comment may prevent TJC from recommending greater reforms after it releases its report in May 2020.

Hou won his election and now serves as the mayor of New Taipei City. His case demonstrates the difficult position of transitional justice advocates in Taiwan. This man served as a police officer—and rose through the ranks to head the Criminal Investigation Bureau and lead the investigation into the assassination attempt on President Chen Shui-bian in 2003—during the authoritarian period and was involved in the martyrdom of Deng. Yet, he still was able to run for elected office—and win. Someone with such a visible role can still win the support of over one million voters; it shows the difficulty of the task that faces civil society, activists, and TJC as it strive to achieve justice.

It is unlikely that TJC will submit a draft of a lustration law to the Legislative Yuan after Chang's comments because he poisoned the conversation about passing such a law, no matter how necessary it is. This development is unfortunate for the transitional justice movement because individuals who faithfully served the KMT throughout the authoritarian period still work in government as civil servants—or seek elected office. As noted above, one of the challenges for TJC in opening the archives has been the way in which national security officials were trained to keep things a secret. Their history with working during the authoritarian period has slowed democratic development. By not passing a lustration law, Taiwan is preventing itself from moving beyond the trauma of this period and providing opportunities for the younger generations to take the reins in government.

92 Brian Hioe, "KMT's New Taipei Candidate Demonstrates Checkered Past During Authoritarian Period," *New Bloom*, April 4, 2018, https://newbloommag.net/2018/04/10/hou-kmt-ntaipei-candidate/; and "Transitional Justice Commission vice chairman resigns," *Focus Taiwan News Channel*.

93 Stacy Hsu, "Transitional justice chairman resigns," *Taipei Times*, Oct. 7, 2018, http://www.taipeitimes.com/News/front/archives/2018/10/07/2003701885. The Eastern Depot reference, as the *Taipei Times* notes, refers to a "Ming Dynasty secret police and spy agency," which the KMT had begun accusing the TJC of becoming.

94 Interview with Yeh Hong-ling, February 23, 2019.

95 Interview with Wang Ting-yu, February 26, 2019.

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(Guo Jianguo (郭建國)/Facebook)

(Thomas J. Shattuck)

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Green Terror Accusations

The KMT has begun calling these past few years a time of "Green Terror,"[96] referencing the commonly known White Terror carried out by the KMT during the authoritarian period. Former President Ma engaged in these accusations claiming that Tsai is leading a "fascist regime."[97] In October 2016, in response to the KMT's assets being frozen and with the party in dire financial state, then-KMT Secretary General Mo Tien-hu (莫天虎) complained, "The Ill-gotten Party Assets Settlement Committee is abusing its power. All the former party chairmen at the meeting criticized the committee actions as being 'green violence' and 'green terror.'"[98] Ma has also begun to use the protests in Hong Kong to characterize Tsai and her government by declaring her "worse than the Hong Kong government" and that the DPP is "trapping Taiwan in an unfree democracy."[99] These accusations ring hollow since he has been exposed for conducting a number of legally and financially dubious actions before Tsai took office.

The KMT re-launched this attack line when the DPP amended Taiwan's National Security Act to increase punishments for people found to be working for the Chinese Communist Party (CCP). Individuals can face up to five years in prison and be fined up to NT$1 million.[100] The "Green Terror" accusation has become a KMT clarion call whenever the DPP does something it disagrees with. But it shows how the KMT at a fundamental level still does not comprehend the damage it caused to Taiwan's citizens and political system during the White Terror and authoritarian period. The KMT imprisoned and killed thousands of individuals to repress any form of dissent. Many who grew up during that time still warn others not to speak out too loudly out of fear of reprisal from the KMT. The trauma runs deep in Taiwanese society.

Through its transitional justice initiatives, the DPP is trying to make the KMT face the historical truth and justice of its actions. The DPP is not ad hoc imprisoning KMT members, nor is it gunning down KMT members in the streets. There are no bodies strewn across the streets of Taipei. The KMT implicitly understands this because that is why whenever TJC, CIPAS, or DPP do anything controversial, its members pounce and play the victim. The KMT never has truly accepted its responsibility for the White Terror, and making light of what happened by haphazardly accusing the DPP of "Green Terror" continues to demonstrate the party—and its members—will not accept the truth and take responsibility for what happened.

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96 For examples of KMT officials making "green terror" accusations, see, Stacy Hsu, "KMT director unleashes on DPP's 'green terror,'" *Taipei Times*, April 22, 2016, http://www.taipeitimes.com/News/taiwan/archives/2016/04/22/2003644546; Brian Hioe, "KMT's Green Terror Accusations Show Fundamental Disrespect For Taiwanese Democracy," *New Bloom*, July 29, 2017, https://newbloommag.net/2017/07/29/kmt-green-terror-accusations/; and Brian Hioe, "Green Terror Accusations Nothing More Than Outright Denial Of White Terror," *New Bloom*, December 26, 2017, https://newbloommag.net/2017/12/26/green-terror-denial/.

97 For examples of Ma making such accusations, see, Chen Yu-fu, Tseng Wei-chen and Jonathan Chin, "Tsai is leading a fascist regime: Ma," *Taipei Times*, September 1, 2017, http://www.taipeitimes.com/News/taiwan/archives/2017/09/01/2003677564; Zheng Hongda, "Ma Ying-jeou: Fascism reappears, attacking democratic rule [馬英九：法西斯再現、衝擊民主法治]," *Liberty Times*, December 19, 2017, https://news.ltn.com.tw/news/politics/breakingnews/2288078; and Duncan DeAeth, "Ex-President Ma launches harsh attack on Tsai ahead of KMT primary decision," Taiwan News, July 14, 2019, https://www.taiwannews.com.tw/en/news/3744560.

98 Stacy Hsu, "Assets committee abusing power, ex-KMT chairmen say," *Taipei Times*, October 21, 2016, http://www.taipeitimes.com/News/taiwan/archives/2016/10/21/2003657609.

99 DeAeth, "Ex-President Ma launches harsh attack on Tsai ahead of KMT primary decision."

100 Laws & Regulations Database of the Republic of China, "National Security Act [國家安全法]," https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030028.

President Tsai Ing-wen and former President Ma Ying-jeou. (Taiwan Presidential Palace/Flickr)

228 Memorial Ceremony in 2015

Apologizing to Taiwan's Indigenous Peoples

Another pillar of the Tsai administration's transitional justice initiatives is working the indigenous peoples to right historical wrongs. In 1994, the KMT government changed the term from "mountain people" (山胞) to "indigenous people" (原住民) in the Republic of China's constitution,[101] demonstrating how the government during the authoritarian period viewed these people. Taiwan now has 16 recognized tribes, numbering over half a million people. During the authoritarian period, the government confiscated land from the tribes and tried to remove their cultures through a system of native language repression and by forcing name changes. In her inaugural address, Tsai promised that she would not forget about indigenous peoples: "The new government will address issues concerning indigenous peoples with an apologetic attitude. My administration will work to rebuild an indigenous historical perspective, progressively promote indigenous autonomous governance, restore indigenous languages and cultures, and improve the livelihood of indigenous communities."[102]

It did not take long for Tsai to work on that promise. On August 1, 2016, she issued a formal apology on behalf of the government to the indigenous peoples for their treatment. In her apology, Tsai said,

> *To all indigenous peoples of Taiwan: On behalf of the government, I express to you our deepest apology. For the four centuries of pain and mistreatment you have endured, I apologize to you on behalf of the government. I know that even now, there are some around us who see no need to apologize. But that is the most important reason why I am representing the government to issue this apology today. To see what was unfair in the past as a matter of course, or to treat the pain of other ethnic peoples as an unavoidable part of human development, this is the first mindset that we, standing here today, resolve to change and overturn.*[103]

She repeated the sentence, "I apologize to the indigenous peoples on behalf of the government," eight times in her speech to emphasize the injustices that they have had to endure. Tsai also announced the formation of the Indigenous Historical Justice and Transitional Justice Commission. This Commission, like TJC and CIPAS, is tasked with disclosing information about atrocities committed against the indigenous peoples and recommend to the government what it should do. It has five groups with distinct portfolios: land, culture, language, history, and reconciliation. The government has worked to give confiscated land back to the tribes. In February 2017, the Council of Indigenous Peoples (CIP) "declared 1.8 million hectares (4.4 million acres) — about half of Taiwan's total land area — to be traditional territory."[104] More work needs to be done on this front.

Indigenous people did not just have their land and culture removed: some were political victims. TJC Commissioner `Eleng Tjaljimaraw (高天惠) noted in an interview that 51 aboriginals have had their convictions overturned by the TJC.

101 Constitution of the Republic of China (Taiwan), Third Revision, 1994, https://english.president.gov.tw/page/93.

102 "Full text of President Tsai's inaugural address."

103 Tsai Ing-wen, "President Tsai apologizes to indigenous peoples on behalf of government," Office of the President of the Republic of China (Taiwan), August 1, 2016, https://english.president.gov.tw/NEWS/4950.

104 Rina Chandran, "Indigenous Taiwanese, seeking rights to ancestral lands, set up camp in Taipei city park," Japan Times, June 15, 2018, https://www.japantimes.co.jp/news/2018/06/15/asia-pacific/social-issues-asia-pacific/indigenous-taiwanese-seeking-rights-ancestral-lands-set-camp-taipei-city-park/#.XTHi0OhKiUk.

Taiwan now has 16 recognized tribes, numbering over half a million people. During the authoritarian period, the government confiscated land from the tribes and tried to remove their cultures through a system of native language repression and by forcing name changes. In her inaugural address, Tsai promised that she would not forget about indigenous peoples.

(Taiwan Presidential Office/Flickr)

Son of Avail Islituan (right) with members of the Transitional Justice Commission visit his grave site at Liuzhangli cemetery. (Transitional Justice Commission)

CIP Deputy Minister Calivat Gadu (鍾興華) said in an interview that six indigenous people were sentenced to death. One particular case made headlines throughout Taiwan. In 1953, Avali Islituan (伍保忠), a member of the Bunun tribe (布農), died of an illness while in government custody after being arrested. He was detained for over five months for his alleged involvement in a rebellion/insurgency as a member of the Taiwan Democratic Self-Government League in Taichung, and his family did not know what had happened to him. The government never informed the family of his detention or subsequent death despite his position as a police officer.

His son, who is now nearly 70 and never met his father, went to the cemetery to visit his father for the first time. TJC was able to find his remains only after a friend of the man's son wrote to `Eleng Tjaljimaraw. Avali was the first indigenous person found at Liuzhangli cemetery. The government did not properly identify Avali, so he mistakenly was buried in the cemetery. In June 2019, the government helped to transfer Avali's remains back to his home, where the family finally was able to hold a proper funeral.[105] Both `Eleng Tjaljimaraw and Calivat Gadu mentioned this case when interviewed and explained the importance of it for aboriginal community. Spotlighting how indigenous people were treated during the authoritarian period does not diminish the treatment of *benshengren* (本省人), non-aboriginal Taiwanese people, and *waishengren* (外省人), those who came to Taiwan with the KMT in the 1940s. It is bringing to light the plight of a people who have been historically marginalized.

105 For information about this case, see, "Return the father to his family and return the memory to the tribe and society [把父親還給家屬，把記憶還給部落與社會]," Transitional Justice Commission, June 3, 2019, https://www.tjc.gov.tw/news/126; Chen Yu, "Transitional Justice Commission achieves the father's wish! Bunun people found their father's remains in Liuzhangli [促轉會實現尋父願望！布農族人在六張犁亂葬崗找到父親遺骨]," *Liberty Times*, April 30, 2019, https://news.ltn.com.tw/news/politics/breaking-news/2775381; and Xie Lihui, "Found Father! Liuzhangli cemetery first discovered the aboriginal political case [「找到爸爸了！」六張犁墓園首次發現原住民政治案件當事人]," *New Talk*, April 30, 2019, https://newtalk.tw/news/view/2019-04-30/240309.

Reckoning with the Past

Taiwan's history with transitional justice is complicated. The KMT expected that its half-hearted attempts at transitional justice, which amounted to the writing of checks in the hope of buying silence, would solve the problem. But those who were oppressed want more than simply democracy and money: they want acknowldgement of their unjust—and illegal—imprisonment; they want an end to the KMT monopoly on power and funds; they want justice. As many people interviewed have noted, most Taiwanese people only care about the here and now: they care about their family and having a job and money. The past is the past, and it is time to move on because the country has more important and more pressing matters to consider. Regardless of this opinion, Taiwan cannot move forward without going through a serious transitional justice effort. The KMT's actions still haunt Taiwan and will continue to do so until justice is carried out.

The DPP approach has not been perfect. It has faced controversy and discontent about its slow pace. And it is not very extensive in scope. The authority of TJC and CIPAS is more limited than proponents had hoped. Tsai also gave CIPAS and TJC very limited time to conduct their investigations, to take action, and to write reports and recommendations. It is almost impossible to have high-quality results in less than four years. The two committees must decide what things to prioritize and what can be reasonably achieved.

What follows are recommendations to the Tsai government as well as the KMT for how they should approach transitional justice going forward.

Recommendations to the Tsai Government

The author makes the following recommendations for the Tsai administration:

- Pass a lustration law preventing perpetrators from serving in government (elected or civil service). Due to the Chang Tien-chin scandal, such a move will be politically unpopular, but it is a necessary one.

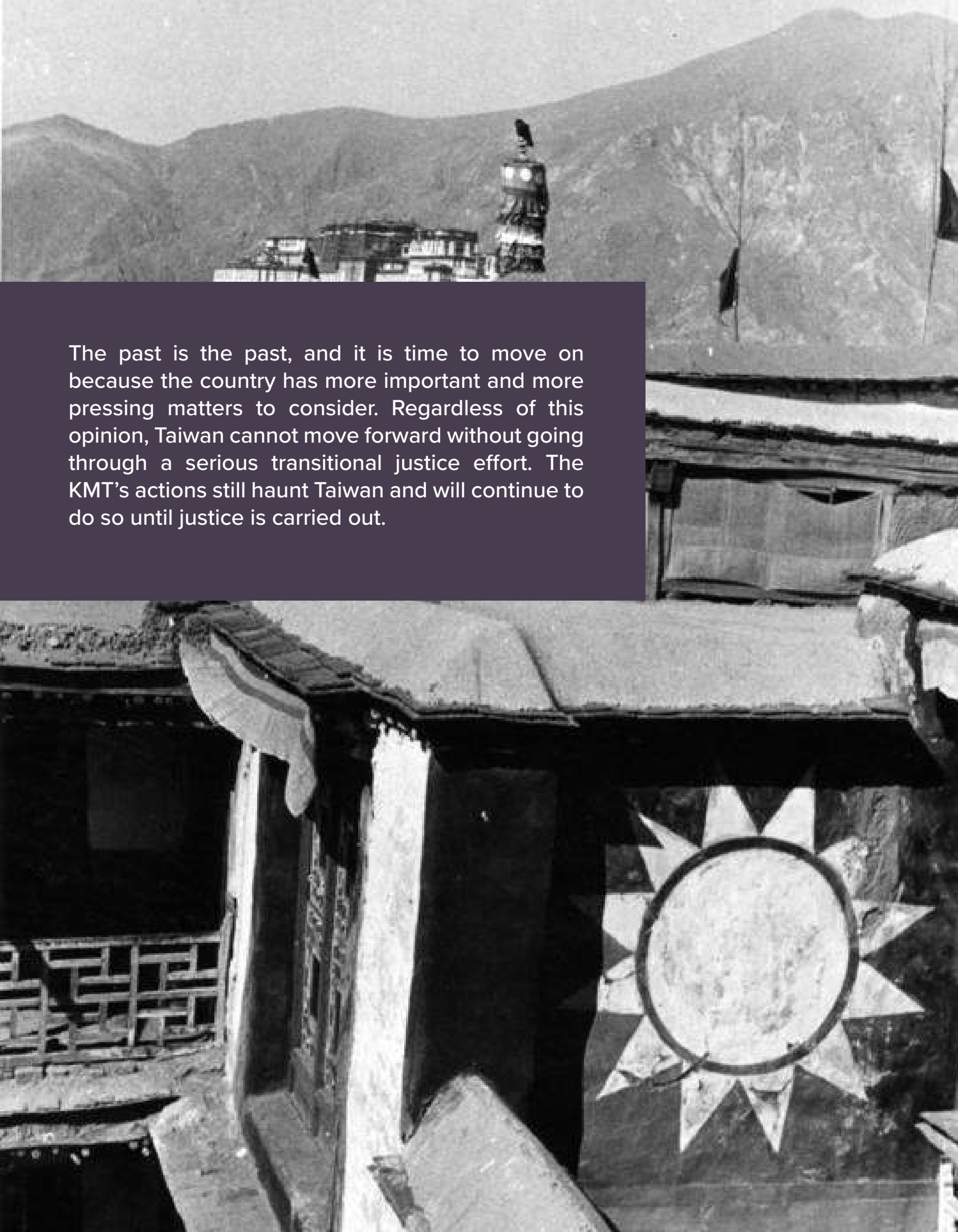
- Declassify the archives related to the Lin Family Massacre, the murder of Chen Wen-chen, and the Formosa Incident. Tsai's failure to remove Chen Shui-bian's classification restriction prevents a full accounting of these incidents.

- Investigate and release the names of high-level perpetrators. This unpopular, but necessary, action will allow the people of Taiwan to know the truth about what people did during the authoritarian period.

- The Chiang Kai-shek Memorial Hall should be made into a Presidential Memorial Hall, where all democratically elected presidents of Taiwan will be honored after they either leave office or die.

- Do a better job of reaching out to the public about the importance of transitional justice and why it is necessary for Taiwan. There has been some progress on this front, but without greater public support and knowledge on the topic, it will be hard to make meaningful reforms beyond those who pay attention to the topic.

- Continue to preserve unjust sites and provide the necessary funding for their renovation to allow the public to visit them. The National Human Rights Museum is a great educational boon not just for Taiwanese youth, but for any foreign tourists wanting to learn about the country's history. Such endeavors should be modeled on this museum.



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Following some of these recommendations may be unpopular in the current political atmosphere, but Tsai campaigned on bringing historical justice and truth to Taiwan. By ignoring key aspects of transitional justice (lustration and perpetrators), the Tsai administration will miss perhaps the country's last opportunity to fully account for the KMT's actions during the authoritarian period.

Recommendations to the KMT

The author makes the following recommendations for the KMT.

- Issue an apology to Taiwan's indigenous people. While the Tsai government issued an apology on behalf of the government, the KMT committed the atrocities against these people and should piggyback on Tsai's actions.

- Accept full responsibility for the actions committed during the White Terror. Some members of the KMT have expressed regret for what occurred, but a formal statement from the party acknowledging what happened, accepting responsibility for it, and apologizing must be issued. Without doing so, the KMT will remain stuck in the past, be open to continued criticism, and will have a difficult time cultivating younger generations who identify with their Taiwanese identity.

- Stop the constant efforts to curtail CIPAS from doing its job by filing suits whenever the committee releases its findings. Such action demonstrates that the KMT does not seek to accept its historical actions as wrong and that the party has no remorse .

- Encourage organizations deemed as KMT affiliates to cooperate fully with CIPAS investigations.

- Attend TJC exoneration ceremonies. Attending the ceremonies is a step in the right direction and shows remorse of how political victims were treated.

- Drop the "Green Terror" rhetoric. Of all things that the KMT has done during the Tsai administration, these statements show that the KMT has not learned anything about the authoritarian period and the damage done by the party to individuals, society, and government.

- Do not delete or remove research and databases if the party wins the presidency or legislature in 2020 or beyond.

By not following these recommendations, the KMT puts its future in jeopardy. It remains stuck in the past and risks losing out on developing younger talent into the next generation of politicians.

Transitional justice in Taiwan is not a new concept. The KMT compensated victims and thought that would be enough. Even portions of the population think that compensation was enough and that people demanding more action or complaining about the small sums of money are just greedy and need to get in line. But what the KMT and these people fail to understand is that transitional justice is about more than money. It is about bringing to light the darker moments of the country's history. It is about accepting the past, acknowledging openly what occurred, and finding ways to move forward together. Taiwan finally is entering a stage where it has a chance to bring historical justice to the nation and the people.

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