

Transferring Power Without Reprisals:

Taiwan at a Crossroads

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A two-term president of Taiwan continues to languish in a prison cell, both ill and seeking release. Four years passed in a cell that was adequate (barely) by international standards and during that time there have been credible medical reports suggesting that inadequate care have both created some illnesses and made others worse and/or permanent. His capacities have diminished to the point that a man who used to be lightning quick with rhetoric and repartee now has trouble recalling names and shakes with Parkinsonian symptoms. Slurred words have replaced speedy comebacks and bed pans have become more of a norm than brunt discussions. Going from palace to cell is a hard trip down for anyone, and it is one that has split his own party into factions. Chen Shui-bian has become out-of-sight-out-of-mind in the consciousness of priorities in Taiwan. Whether or not he is guilty of nonviolent corruption is not the subject of concern. He remains the only former head of state to be sentenced to more than a decade of incarceration in the conditions that he has to deal with. For this to happen in any emerging democracy would raise eyebrows. But in Taiwan it's happening under the watch of the KMT, or Kuomintang, the party of decades of martial law and a fairly dubious record of tolerating dissent. It doesn't help matters that this party, until recently the richest political party on the planet, is inflicting such treatment against the only politician to show them up in national elections.

Outside of Taiwan, in part due to the marginal diplomatic status that the island faces, most do not appreciate the polarization faced by politicians there. With an indigenous population percentage that rivals the United States in size, the majority of the population is made up from successive waves of immigration from the People's Republic of China to Taiwan. With different languages spoken, different reasons for coming, and different regions in China represented, the waves of arrivals have seen a polity split in ways that make the GOP and the Democratic Party seem like old college chums. For decades after the arrival of the KMT arrived, the island arranged things with disregard for both earlier residents and for any form of dissent. Though the lifting of martial law has made things better, and allowed for multiparty elections and organizing, the Nationalist Party (the Blue in the blue part of Taiwan's political spectrum) has been able to keep dissent and dispute in check in a matter closer to the old guard than many would like to admit. While human rights have improved immensely under both the KMT and the former president's DPP (the Green in the green part of the spectrum, which is really a binary spectrum after all), there are still regressive elements involving the deployment of the

death penalty, restrictions on HIV-positive people traveling in the nation, and an apparent willingness to punish opposition politicians after transfers of power.

There have been suggestions that Chen Shui-bian can simply "accept" his crimes and beg for mercy and then to be granted medical parole or a pardon. Others say that his charges were politically motivated and prosecuted. The Taiwanese legal system has pronounced judgment for the charges. But the same justice system has been described by medical practitioners as failing to deliver adequate care to him to treat illness nor to prevent further illness. It can not be said clearly enough: a government is fully responsible for the health and well-being of anyone in custody, regardless of guilt or charge.

There is a chance that if Chen Shui-bian is not released into his own recognizance and choice of medical care that he will worsen and perhaps die with medical care that is minimally adequate under the sternest ideas and is "plausible deniability" under more reasonable ones. Whether or not the charges are true, it seems deeply unwise for Taiwan to spend its spare political capital on continuing a campaign against a former opposition head of state if it wants to be taken seriously in the international arena.

Cure and care are needed more than cacophony and crating. Send him home. Many in Taiwan may believe him to be guilty as charged. But as a former (and only) opposition President, it should be a priority for the entirety of both Blue and Green to not have him die in prison and to show to the world (not least to other places in Asia) that transitions of power are possible without necessitating retribution. That is the way that compassion and decency and international standards operate. Acknowledging ill treatment of Chen Shui-bian is already a fait accompli. But nothing less than the future is at stake. If he dies at home (and not with being released just before his expiry), then Taiwan wins at large as a fountain of compassion and Blue and Green can come together to figure a way to live together as a shining example of what the island might be to the world as a beacon of possibility rather than a predictable pariah that is already attracting concerns sufficient to warrant the attention of the U.S. Congress in a way that is potentially just beginning.

We urge the Taiwanese government to release Chen Shui-bian immediately based on the record of medical neglect and to set a higher bar for political transitions. A return trip is considered in November to look at Taiwan's human rights record on this and other issues. We'd welcome your views and comments our Facebook page and are committed to a future of human rights for all.

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