

## Taiwan's Version of "A Few Good Men"

First Lieutenant Chiang Wen-chung is an officer in the military justice system. He is now serving time, having been sentenced by that same system, simply for trying to do his job properly. The military justice system is notorious in Taiwan. During the martial law era, it was used to prosecute political offenders; more recently, it has been heavily involved in colluding to cover up human rights abuses, corruption, and other serious problems within the military. But this seems to be the first case of the system's turning on one of its own.

At the end of 1995, Lt. Chiang was assigned to the island garrison of Matsu, in the Taiwan Strait. There he was to serve as prosecutor in the Legal Section of the Matsu Joint Defense Command (the inter-service local headquarters). The Section was very small, with only three other professional officers: Captain Chang Ching-ting, assigned the duties of military judge; one other judge; and Lieutenant Colonel Chiang Da-wei, head of the Section.

Lt. Chiang took his duties very seriously. In fact, he took risks with his career with an initiative to investigate a possible corruption scandal involving the Matsu Joint Defense Commander and his predecessor. His investigation was not pursued by the relevant authorities in the Ministry of Defense, but it may have served to make him unpopular.

On 8 November 1996, a corporal, Tseng Si-yuan, was brought in for beating an enlisted man. Normally the case would have fallen to Lt. Chiang to investigate; however, a discussion took place between him and Capt. Chang, in which the latter gave Lt. Chiang to understand that Lt. Col. Chiang expected that Corp. Tseng be detained. Lt. Chiang stated firmly that he would proceed according to the regulations, and decide on the question of detention in due course. According to military law (and civilian law as well, before the amendment to the Criminal Procedure Code at the end

of 1997), only the investigating prosecutor has the right to order a detention.

As it turned out, Lt. Col. Chiang assigned the case to Capt. Chang to investigate. Capt. Chang, after interviewing the victim and two witnesses, and interrogating Corp. Tseng, ordered the latter's detention, ostensibly to prevent his collusion with other witnesses. When Lt. Chiang heard this, he immediately proceeded to the Detention Center and demanded that Corp. Tseng be released, as he, the only prosecutor in that jurisdiction, had not issued any detention order. Capt. Chang was also contacted by telephone by the supervising officer (also of the rank of captain) of the Detention Center. The latter decided that Lt. Chiang's arguments were more persuasive, and, on the basis of a hastily written release order from Lt. Chiang, released Corp. Tseng. Two days later, Capt. Chang, who was continuing to handle the case, ordered Corp. Tseng re-detained (he was later indicted and found guilty).

Not long after these events, Lt. Chiang was transferred to a base of the Sixth Army Command in Hsinchu County, where he was assigned as a defense attorney. The story should have ended there, but it seems that somebody had scores to settle: on 2 July 1997, Lt. Chiang was indicted by the prosecutor of the Sixth Army Command (apparently on the complaint of Lt. Col. Chiang) on the charge of "taking advantage of his authority" to "set free a legally arrested or detained person" (Criminal Code (n.b.: ordinary civilian law, not military law), Art. 134 and Art. 162). Lt. Col. Chiang also entered a complaint against Lt. Chiang for failing to properly inform him of the investigation into the alleged corruption of the Matsu Joint Defense Commander (Lt. Chiang had transmitted key documents directly to the Ministry of Defense, bypassing his immediate superior), but this complaint was dropped by the prosecutor.

Lt. Chiang was tried by judge Lt. Col. Chen Jing-hua of the Sixth Army Command, and, on 27 September 1997, he was found guilty and sentenced to one year in prison. On appeal (to the Army Headquarters Military Law Bureau), this conviction was dismissed, and the case was remanded to Lt. Col. Chen for a new judgment. However, Lt. Col. Chen's second judgment, delivered on 13 February 1998, merely paraphrased the arguments in the first judgment. This time, though, the appeal court (two of the

three judges of which were the same as heard the first appeal) upheld the verdict. On 24 June 1998, Lt. Chiang was taken into custody by the military police and commenced serving his one year sentence at Hsintien Military Prison.

Lt. Chiang, in addition to this punishment, has already been administratively disciplined on two occasions for giving interviews about his case to the press. He has repeatedly expressed his willingness to serve his sentence, if doing so might help to bring about reforms in the system. At least he does not lack proper legal representation; on the contrary, a group of lawyers has expressed their support for him, and two of the most able human rights lawyers in the country are acting as his defense team. Unfortunately, when facing Taiwan's military establishment, it seems that the best legal arguments are insufficient....

Due to Lt. Chiang's great courage in performing his duties and his zeal in seeking a just and effective military judicial system, a goal that we have been working towards for years, the Taiwan Association for Human Rights has adopted this case. In addition to helping him arrange his legal counsel, we have, on 26 June 1998, held a press conference to publicize his plight. His defense team is planning three types of actions to save him: first, a Special Appeal under the Military Code; second, an (unprecedented) attempt to have the case transferred to the civilian Supreme Court; and, third, an application to the Council of Grand Justices (the constitutional court) for an interpretation. TAHR, for its part, will be supporting these actions with campaigns in the Legislative Yuan and in the press. We welcome all forms of assistance; please contact us if you are interested.

Please note that this site was erected in haste, and check again soon for improvements and changes!