

SUNDAY FEATURES

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*I'm not afraid anymore that they're going to execute me.
I hurt more for my mother.*

— Hsu Tzu-chiang, death penalty inmate



Between life and death

Hsu Tzu-chiang has been sentenced to death eight times over the past 14 years in a case human rights lawyers say is a textbook example of what's wrong with the death penalty system in Taiwan. Celia Llopis-Jepsen spoke with him for 20 minutes at the Taipei Detention Center on Friday

BY CELIA LLOPIS-JEPSEN
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Right: Guards escort death penalty inmate Hsu Tzu-chiang on Tuesday to hear the High Court's latest judgment in his case.

Above: Hsu's mother, Chen Hsiu-chin, breaks down in tears in front of the Taipei branch of the Taiwan High Court on Tuesday after the court upheld the death penalty against her son. The case will now go to the Supreme Court, which is likely to return it to the lower court for a retrial.

PHOTOS: GEORGE TSORING AND YANG KUO-WEN, TAIPEI TIMES

On the street outside Taipei Detention Center are small food stalls selling large dishes of food. Full meals, not snacks. The dishes aren't for passersby; they're for inmates. Family and friends can bring a meal to the people they visit.

This detention center, in Tucheng (土城), Taipei County, is now famous for housing former president Chen Shui-bian (陳水扁), who has been held here since November last year, but I'm here to see inmate No. 1121, Hsu Tzu-chiang (徐自強), the defendant in a 14-year-old case who was sentenced to death for the eighth time last week.

Hsu has spent the past 13 years locked up in this facility. Although it's called a detention center, the facility could also be called a prison. It houses people who are being detained while their trials proceed (such as Hsu and Chen), as well as prisoners whose sentences have been finalized. Taiwan has 20 such detention centers nationwide.

The inmates live two to a cell, less than 2 ping (6.6m²) in size. Hsu has changed cellmates many times over the years — each time one is executed, a new one moves in.

Executions are not announced in advance. The prisoner is simply collected from his cell one evening and taken to an execution facility adjacent to the detention center. With a prosecutor from the Supreme Prosecutor's Office as witness, he or she is laid down on a mattress face down and shot in the heart from the back. Those who want to donate their organs are shot in the back of the neck just below the brain. Immediate family are only informed afterward. Taiwan now has 43 inmates awaiting execution, but under an unofficial moratorium, the country has not executed anyone for four years.

Hsu himself was on death row for five years and faced imminent execution during that period. But the sentence wasn't carried out, and in 2005 his case was reopened after the Council of Grand Justices ruled one aspect of it was unconstitutional — his lawyers were not allowed to cross-examine his codefendants, one of whom later retracted his testimony against Hsu. The case is now at the Supreme Court.

I accompanied staffers from the Judicial Reform Foundation (司法改革基金會) and the Taiwan Alliance to End the Death Penalty (廢除死刑推動聯盟) who went to the detention center on Friday to visit him, along with another defendant in an equally controversial death penalty case, Chiou Ho-shun (邱和順).

At the reception desk, we present our IDs and apply to see inmates Nos. 1121 and 1152. After receiving two slips of paper authorizing our visit, we walk through a gate into the detention center and hand the slips to a guard, who leads us to another building, where we sit and wait. Ten minutes later, a second guard shows up. He leads us in drizzling rain through another gate to a building where we must lock up our belongings, present our IDs again and be searched with metal detectors. They check our temperatures as a precaution against H1N1 flu. I am not allowed to bring a recorder, or even a pen and paper.

We are then led into a courtyard with basketball courts, through another gate and finally into a third building. The room is divided into two sections, one for visitors and one for prisoners. We sit and wait for Hsu and Chiou. I will speak to Hsu, together with Judicial Reform Foundation staffer Tony Yang (楊宗澄). Two others will speak to Chiou. Yang promises to translate from Taiwanese, which Hsu speaks better than Mandarin.

Hsu and Chiou are led in by guards. My first impression is of their smiles, which are surprisingly warm and catch me off guard. Both look happy to leave their cell for a 20-minute visit, happy to be in each other's company for a few moments, happy to have visitors and some human contact, even if they've never met us before.

Just last week I watched Hsu's mother break down at the High Court in Taipei after her son was found guilty again. Hsu's lawyers say there is no evidence against him and that he was sentenced based solely on the testimony of others.

Hsu seems glad to chat a little. He sits separated from us by two layers of glass with metal bars sandwiched between them. The three of us — Hsu, Yang and I — talk by speaking into telephone receivers.

He tells us “A-bian” (阿扁, the former president) is in his detention block. He sees him sometimes at exercise time. Hsu is allowed to stroll or exercise in the courtyard for 20 or 30 minutes a day, unless it's raining, which, given Taipei's climate, happens all too often.

Yang lets Hsu know that a reporter from Al-Jazeera is interested in his case and might come to interview him: Please don't turn him down. Hsu nods. The Judicial Reform Foundation and other groups have been trying for years to draw attention to Hsu's case and others like it.

I ask Hsu about his daily life. He likes to read, he said — especially novels. Anything to pass the time. There's a library in the prison, but usually he reads what his family brings him. Relatives are also allowed to bring their loved ones clothes and, perhaps best of all, food. Asked about the quality of the food in the detention center, Hsu says: “Well, we get to eat our fill.”

Hsu's relatives see him when they can, but visits can last only 20 minutes. His son is at university in Kaohsiung and can't come so often, but his mother stops by regularly. Today the NGO staffers have called her in advance to make sure they don't visit on the same day, as Hsu is allowed just one visit per day.

Hsu also has a small TV in his cell that his family gave him. He saw the news about himself last week, he tells us. He watched his mother crying uncontrollably, collapsed on the ground outside the courthouse after the judgment, surrounded by gawking photographers.

“I thought this time the judgment would be different,” he says quietly.

The disappointment is painful, he says, but seeing his mother collapsed outside the courthouse crying for him was worse.

“I'm not afraid anymore that they're going to execute me. I hurt more for my mother,” he says.

Suddenly a voice recording breaks into our conversation: “Your visiting time is almost up.”

We sit awkwardly for a moment as it repeats, wondering what else to say in the time we have left.

I ask Hsu if this is what it's like when he meets with his lawyers, too.

“No, my lawyers get to meet me in the same room. Sometimes they need my signature for things,” he says.

But his mother and son are not as lucky. For them, Hsu is as distant as he is for us: a voice over a phone receiver, behind bars and glass, beyond reach of their embrace.

The voice recording cuts in again: “Your visiting time is up.”

The phone cuts off and the guards come back into the room. Hsu gives a small wave of goodbye as he and Chiou are led back to their cells.