

OVERVIEW ON DEATH ROW INMATES TAIWAN'S EXPERIENCE

LIN, HSINYI

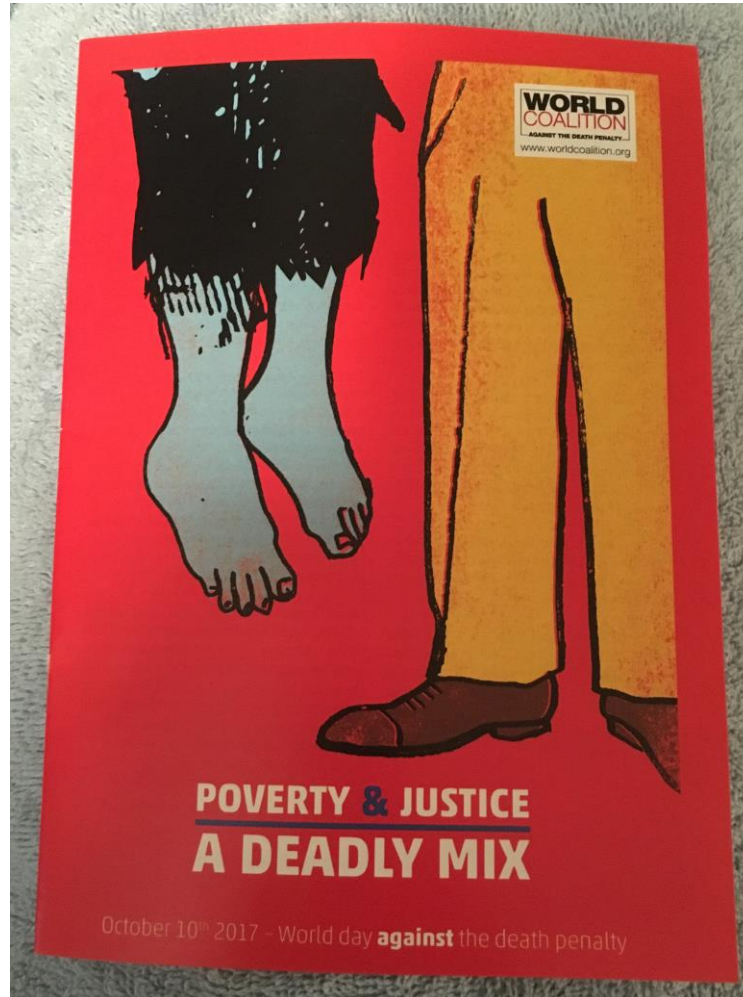
Executive Director, Taiwan Alliance to End the Death Penalty



廢除死刑
推動聯盟

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當貧困遇上司法：一種致命的組合



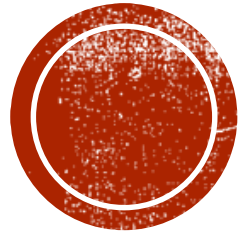
EXECUTIONS IN TAIWAN

1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
10	22	69	68	59	35	18	17	16	22
1997	1998	1999	2000	2001	2001	2003	2004	2005	2006
38	32	24	17	10	9	7	3	3	0
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
0	0	0	4	5	6	6	5	6	1



DIFFICULTY

- Is it possible to visit death row inmates? Who can visit?
- Is it possible to write letters? Who can write the letters?
- The death row inmate willing to talk or write letters to you?
- Can you mutually understanding each other?
- Therefore, getting to know death row inmates has many ways and must be more than one way.



TAIWAN'S EXPERIENCE : METHOD 1



STUDY DONE BY TAIWAN EXECUTIVE YUAN'S RESEARCH, DEVELOPMENT AND EVALUATION COMMISSION

- Deliberating the Abolition of Capital Punishment (Research, Development and Evaluation Commission, Executive Yuan, 1994)
- From 1955 to 1992
- Executed 482 death row inmates
- The profile of death row prisoners
 - Offenses of Homicide
 - First offender
 - Age 18 to 30
 - Education level of middle school or below
 - Unemployed or manual labor



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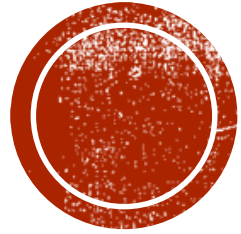
STUDY DONE BY TAEDP (1)

- January, 2010 with the help of The Prison Fellowship Taiwan, we collected 38 questionnaires from 44 death row prisoners. Results are shown as below:
 - 68% has below middle school education level. Only 9% has college education.
 - 78% are Blue-collar worker and manual worker. 6% are unemployed.
 - 30% had their first offense before age 30. 32% had their first offense between the age 30 to 39. 35% had their first offense between age 40 to 49. 3% had first offense above age 50.



STUDY DONE BY TAEDP(2)

- General information on the death row inmates are similar with the 1994 government's study but...
- Something is different...
- How did you have a lawyer ?
 - 23% hired a lawyer during The First Instance. 77% had public defender or legal aid lawyer
 - 30% hired a lawyer during the Second Instance. 65% had public defender or legal aid lawyer
 - 14% hired a lawyer during the third instance. 55% had public defender or legal aid lawyer
 - 32% did not have lawyer.



TAIWAN'S EXPERIENCE : **METHOD 2**



A REVIEW OF THE DEATH PENALTY JUDGEMENTS IN TAIWAN, 2015

- There were 124 people got sentenced to death between 2000 to 2015. TAEDP was involved with 67 cases, a total of 75 inmates.





最高法院 刑事判決正本

論以一殺人罪。而以第一審援引刑法第二百七十一條第一項、第三十七條第一項、第三十八條第一項第一款等規定，審酌被告因與黃瓊瑤間有感情糾紛，經多次要求復合不成，復於九十八年十二月一日多次要求與黃瓊瑤見面未果，攜槍前往黃瓊瑤工作之華盛頓托育中心，與黃瓊瑤見面後，因感情糾紛憤而當場持槍殺害之，案發後攜槍逃亡數日，造成黃瓊瑤家屬難以回復之傷痕，並對社會治安危害非輕，以及其先前同樣因感情糾紛而殺人之素行，竟未能記取教訓妥適處理情感問題，而再犯本件殺人之罪，暨其智識程度、生活狀況與黃瓊瑤之關係，坦認犯行之犯後態度等一切情狀，衡處被告無期徒刑，褫奪公權終身，及敘明扣案之土造鋼管槍壹支（管制編號：1102035994號，含可供裝填子彈及退彈使用之槍管壹支）沒收。經核其認事用法，均無不合。復說明本件被告係判決無期徒刑之案件，第一審法院依職權送上訴；第一審檢察官原起訴請求判處無期徒刑，其後因告訴人之聲請，上訴意旨以第一審判決被告殺人罪，固與法相符，惟其判處被告無期徒刑之上開理由，可見被告惡性匪淺，且其行為對被害人之家人造成無法彌補之傷痛，犯行重大至極，理應處以死刑，原審卻僅判處無期徒刑，尚有未洽，提起第二審上訴，請求改判死刑。

四、原判決就量刑事由再為調查、審酌後，認為第一審衡處無期徒刑，並無明顯之失出過輕，被告尚無必須剝奪其生命，處以死刑之理由：

(一)、被告有殺人素行，復於白晝當街持槍射殺黃瓊瑤，本應從重量刑。惟經調取有關被告之背景資料，佐以被告之經濟狀況、監所生活情況等資料，認被告因外觀缺陷、身材矮小，自幼受嘲笑而有嚴重自卑感。復因從小目睹父親以暴力解決親密關係之衝突，故而於與人爭執、衝突時，即訴諸暴力。被告以物質消費取悅黃瓊瑤，使其產生信任及安定感，因而負

JUSTICE INC. : THE 'HOW' AND 'WHY' OF THE DEATH SENTENCES IN TAIWAN, 2006-2015

- Chang Chuan-Fen, 2017, Eotvos Lorand University,

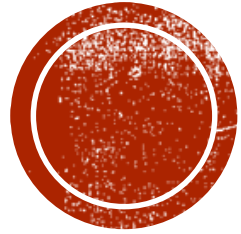
2016台灣死刑判決報告 A REVIEW OF THE DEATH PENALTY JUDGEMENTS IN TAIWAN, 2016

~ 10位精障死刑犯之判決分析

A REPORT ON THE JUDGMENTS OF TEN MENTALLY CHALLENGED DEATH ROW INMATES

- 10 cases were mentally challenged
- Why were they sentenced to death?
- Problem with psychological evaluation
- Problem with judges





TAIWAN'S EXPERIENCE : **METHOD 3**



COURT OBSERVATION



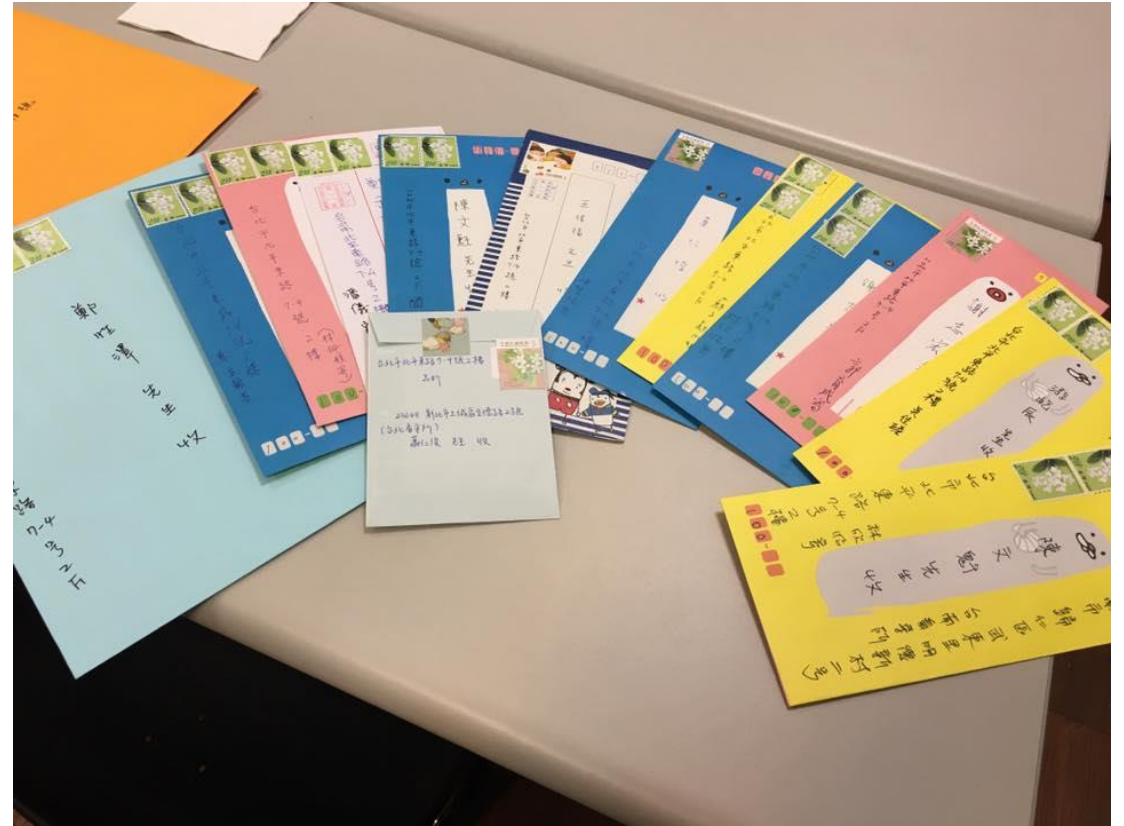
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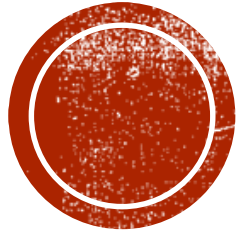
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VISITATION



'SCHOOLMATES', HERE WE ARE !





CONCLUSION

Right to Life, Right to Love



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