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TAIWAN: Tai Ji Men: Arbitrary auction, fabricated case, illegal arrest of Ms Huang

HRWF (05.01.2021) – On 10 December, Human Rights Day, CESNUR (Center for Studies on New Religions) and HRWF (Human Rights Without Frontiers) held a press conference online to launch a White Paper titled “Justice Denied: The Tai Ji Men Case in Taiwan”, an in-depth report by independent experts on a crucial issue: the judicial, administrative and fiscal bullying of a peaceful and law-abiding group rooted in esoteric Taoism. This 24-year-long arbitrary persecution through the government’s power led to some dramatic events in

the last few months.

In late August 2020, disregarding due process, Taiwan's Administrative Enforcement Agency (under the Ministry of Justice) and National Taxation Bureau (NTB) arbitrarily seized and auctioned properties that belonged to Dr Hong Tao-tze, the founder and spiritual leader of the Tai Ji Men.

This forcible intervention of the Enforcement Agency and Taxation Bureau was allegedly due to a tax bill dating back to 1992, despite this bill having been recognized as an unjustified tax disposition by Taiwanese courts.

Some suspect that there was a profit-making objective behind this auction.

The auction, a lucrative business for some

Indeed, officers of the National Tax Bureau normally receive a bonus based on the taxes they collected.

Officers at the Enforcement Agency also receive a bonus from the enforcement results of the auction.

Additionally, government officers involved in the Tai Ji Men case both at the National Tax Bureau and the Enforcement Agency received a bonus from handling the case.

It is because of all these alluring bonuses that some scholars suspected that Tai Ji Men's case was a deliberately fabricated case.

One of the bureaucrats that Tai Ji Men suspects of abuse of power is Lee Gui-fen, Chief Enforcement Officer of Hsinchu Branch of Administrative Enforcement Agency, under the Ministry of Justice. This suspicion is supported by a document with Lee Gui-fen's seal that outlines the bonus allocation of credits for job performance from enforcing the auction of Tai

Ji Men's properties before the official announcement of the auction had been publicised.

The demonstration and arrest of Ms Huang

On 19 September 2020, a volunteer for the Legal and Tax Reform League and Tai Ji Men member, Ms Huang, used her right to freedom of expression guaranteed by the Constitution of Taiwan to question and denounce the lucrative nature of this auction. She was about to peacefully promote taxpayer's rights on the street with others while holding a sign with Lee Gui-fen's name on it when she was surrounded by several police officers. She hadn't even raised the sign yet.

The officers stopped the demonstration when it just started. Without any justified reason, they demanded that Ms Huang present her ID.

When other volunteers asked whether they were in a restricted area where individuals are prohibited from holding signs promoting their ideas and why they were questioning Ms Huang, the police did not respond. Instead, they asked that everyone show their IDs and ordered the volunteers to leave. They also threatened that anyone recording the scene to protect their own rights would be questioned or detained in the police station for three hours. By disrupting the voluntary and peaceful promotion of taxpayer's rights, the authorities deprived these individuals of their right to freedom of assembly and freedom of speech.

The volunteers finally cooperated and provided their IDs. The police officers checked them and didn't take any further action against Ms Huang. Thirty minutes later, the police officers surrounded Ms Huang again while she no longer had the sign with Lee Gui-fen's name on it. However, several police officers searched the bag belonging to another volunteer without a warrant or her consent. One of the police officers

discovered a poster with Lee Gui-fen's name on it, forced Ms Huang to hold it visibly and called her a criminal. Moreover, even when Ms. Huang and other volunteers asked what crime Ms. Huang had committed, the police did not tell her at all, and they arrested her directly. This obviously violates the provisions of Taiwan's Criminal Procedure Act: when arresting an offender, the police must clearly inform her of the law she violated. Later, the police officers argued that the volunteers went to an area near the residence of a civil servant, Lee Gui-fen, to slander her by name, which was endangering the personal safety of her family members. Although the volunteers didn't know where Lee Gui-fen lives and this accusation was all wrong and unfounded, when arresting her, the police declared to Ms Huang that Lee Gui-fen had already pressed charges against her and that Ms Huang was caught red-handed.

According to the Criminal Procedure Act of Taiwan, an accuser must go to the police station to complete a record of complaint before she can formally file a complaint. On the day of the 19 September Incident, the director of Zhubei Police Department and the director of Liu-Jia Police Station said that Lee Gui-fen had already filed a complaint on 18 September. However, Ms Huang passed by the place on 19 September and decided on a whim to join the group to hold a sign. If Lee Gui-fen had already filed a complaint on 18 September, how could she have foreseen that Ms Huang would hold a sign at the place on 19 September? The deputy director of the Liu-Jia Police Station later changed his statement and said that on 19 September, when the police saw the sign that Ms Huang was holding, they called Lee Gui-fen to ask if she would like to file a complaint. Lee Gui-fen said that she wanted to file a complaint, so they arrested Ms Huang. When questioned by the County Council, Hsinchu County police chief also changed the police's statement and said that Lee Gui-fen filed the complaint on 19 September. The inconsistent statements were obviously an attempt to cover up the fact of

illegal arrest.

Ms Huang was taken to the Liu-Jia police station in Zhubei by more than a dozen police officers without being informed of the charges against her until the investigation.

The following day, the Zhubei Police Station published a press release claiming that "Tai Ji Men, in the disguise of a tax reform group, protested near the residence of the Chief Enforcement Officer of (Hsinchu Branch of) the Administrative Enforcement Agency, damaging the public officer's reputation and endangering the safety of her family. Such an approach crosses the legal red line and will be cast aside by the people of the nation." This statement, with an improper personal subjective comment, was intended to mislead the public to believe that the person holding the sign was allegedly intimidating a civil servant. This press release also used emotional language to accuse the Legal and Tax Reform league and Tai Ji Men.

Who is Ms. Huang?

Ms Huang is not a troublemaker. She had never been stopped or arrested by the police before this incident. She did not threaten national security nor disturb public order on 19 September.

Ms Huang is an ordinary Taiwanese citizen. She is 60 years old. She is married and has two children. She has been a housewife for her whole life. She has been passionate about volunteering for environmental protection in schools and her community. She was also praised by the Taoyuan City government and has been a member of Tai Ji Men for 29 years.

At the police station and the prosecutor's office

During the interrogation at the police station, Ms Huang was treated with complete disrespect. She was accused of publicly defaming a public servant, Lee Gui-fen.

In the meantime, a group of protesters gathered outside the police station. One of them, Dr. Tze-Lung Chen, former professor of law at National Taiwan University, repeatedly asked why they had arrested Ms Huang. The police refused to answer, claiming they could not comment on an ongoing prosecutorial investigation despite it only being a police investigation. Professor Chen accused the police officers of abusing their power and urged them to release Ms Huang as there was no written complaint of her alleged defamation or intimidation.

However, instead the police transferred her to the Prosecutor's Office. With no regard for her age nor physical and mental state of health, she was deprived of her freedom and interrogated for nearly eight hours in the police station and prosecutor's office. She was not released by the Prosecutor until 1 am and the prosecutor imposed a restriction on her residence.

During the interrogation, many angry volunteers wanted to press charges against the police for illegally arresting Ms Huang, but the prosecutor refused to accept them.

The arrest caused immense mental and physical distress for Ms Huang. After hours of interrogation, first at the police station and then at the Prosecutor's Office, she fainted and was sent to hospital. A doctor there diagnosed her with acute stress and trauma syndrome.

Conclusion

Taiwan has the reputation of being a democratic country. Articles 11 and 14 of the Constitution of Taiwan guarantee the

freedom of speech and assembly. Additionally, it is a fact that enforcement officers get a bonus for enforcing an auction; it is not something fabricated out of thin air. And the public are entitled to question how much bonus they get. As such, Ms Huang's sign was legally protected by the Constitution. It read: "Lee Gui-fen, chief enforcement officer of the Hsinchu Branch of the Administrative Enforcement Agency, how much bonus did you get from handling the Tai Ji Men case? NT\$100,000? NT\$1 million? Or NT\$10 million? Give it back!!!"

In this case, the Taiwanese authorities failed to behave democratically, failed to further investigate illegal officials and instead abused their power to restrict personal freedom and silence citizens.

Photo: A Tai Ji Men protest in Taiwan. Credit: CESNUR.

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