

Transitional Justice in Taiwan and Germany

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*The more we know, the better we forgive.
Whoever feels deeply, feels for all who live.*

Madame de Staël

Introduction

In downtown Taipei City, in Zhongzheng District, a large white gate is located at Zhongshan South Road, just across the street from the main entrance of Taiwan's National Central Library. For several decades, the Chinese characters on this gate, the main gate of Chiang Kai-shek Memorial Park (at its western end), meant *Gate of Integrity*. In 2007, the characters were changed; since then, they read *Liberty Square*. In June 1990, in East Germany, a whole city that had been known as *Karl Marx City* since 1953, was renamed *Chemnitz*, as it had been called since 1630.¹ This change of name was the result of a referendum held in April 1990 in which 76 percent of the voters opted for the old name. At that time, Germany was not reunified yet, but East Germany underwent fundamental democratic reforms. Why were these two name changes, in Taiwan in 2007 and in Germany in 1990, deemed necessary and appropriate – and by whom? What had happened in the preceding years?

Both Taiwan/the Republic of China (ROC) and East Germany/the German Democratic Republic (GDR) were authoritarian, one-party states² until the late 1980s. Taiwan and East Germany democratized since then and abolished the one-party system. On 3 October 1990, East Germany merged with West Germany and the country was reunified. However, Taiwan's ruling party, the Kuomintang (KMT), remained in power for more than a decade after democratization, losing the presidency in the year 2000 to Chen Shui-bian of the Democratic Progressive Party (DPP), but retaining a

¹ In the years prior to 1630, Chemnitz had the same name, but with different spellings. Cf. Eichler, Ernst, and Walther, Hans, eds. (2001): *Historisches Ortsnamenbuch von Sachsen* [Historical toponymy of Saxony], Volume I, Akademie Verlag, p. 141.

² Both the *Socialist Unity Party of Germany (SED)* and the *Kuomintang (KMT)* have Leninist roots. For the latter, cf. Chou, Yangsun and Nathan, Andrew J. (1987): *Democratizing Transition in Taiwan*, Asian Survey, Vol. 27, No. 3, p. 277. East Germany, in accordance with the *Potsdam Agreement*, was de jure a multi-party state. Aside from the ruling SED, the Christian Democratic Union of Germany, the Democratic Farmers' Party of Germany, the Liberal Democratic Party of Germany, and the National Democratic Party of Germany also held seats in East Germany's unicameral legislature, the People's Chamber. However, all of these parties were members of the *National Front of Democratic Germany*, a coalition of parties and mass organizations of the GDR, and they were obliged to accept the role of the SED as the vanguard party of the GDR.

legislative majority. A full transfer of power in Taiwan came about only in 2016 when the DPP took over both the presidency and the legislative majority from the KMT.³

In East Germany, democratization removed the Socialist Unity Party of Germany (SED) from power much faster. East Germany's leader, Erich Honecker, who had ruled the country since 1971 as General Secretary of the SED, had to vacate his post due to a Politbüro vote in late 1989, just three weeks before the fall of the Berlin Wall. His successor, Egon Krenz, promised reforms while trying to retain the SED's paramount role. But even after changing its name,⁴ the SED lost the general election in the spring of 1990.⁵ When Chiang Ching-kuo, Premier of the ROC from 1972 to 1978 and President of the ROC since 1978, passed away in 1988, Vice President Lee Teng-hui ascended to the presidency, making him the first Taiwanese-born politician to lead Taiwan/the ROC and putting an end to Taiwan being ruled by the Chiang dynasty.

After the transition from authoritarianism to democracy, how did Taiwan and Germany look back at the past? What is transitional justice in Taiwan and in Germany – how do Taiwan and Germany try to find a way to cope with the numerous violations of human rights of the previous decades? And how has the exchange between Taiwan and Germany on transitional justice developed, despite the obvious differences between these two countries?

Transitional Justice

Transitional justice is a relatively new field of study; one of its main goals is a guarantee of non-recurrence of past wrongdoings. The importance of transitional justice has been recognized by international institutions, e.g. the United Nations and the European Union. In 2012, the United Nations High Commissioner for Human Rights appointed a *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*. The European Union is the largest donor worldwide for transitional justice in post-authoritarian societies.

The United Nations defines transitional justice as “the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms [...] reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.”⁶ Alternatively, transitional justice may be understood by its effects: repar-

³ The DPP kept the presidency and its legislative majority as a result of the 2020 election.

⁴ In December 1989, the SED added Party of Democratic Socialism (SED-PDS) to its name. Since February 1990, the SED called itself solely Party of Democratic Socialism (PDS). In 2005, it changed its name to The Left Party.PDS and in 2007, it merged with the party Labor and Social Justice – The Electoral Alternative to create the party The Left.

⁵ On the further development of this party cf. Behrend, Manfred (2006): *Die Geschichte der PDS. Von der zerbröckelnden Staatspartei zur Linkspartei* [The History of the PDS. From crumbling state party to Left Party]. Cologne: Neuer ISP-Verlag; Gapper, Stuart: *The Rise and Fall of Germany's Party of Democratic Socialism*, German Politics, 12 (2003) 2, pp. 65-85; Webb, Adrian (2007): *The PDS – A Symbol of Eastern German Identity?*, Newcastle: Cambridge Scholars Publishing.

⁶ Cf. United Nations Security Council: *The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary-General*, 23 August 2004, S/2004/616, p. 4, <https://www.un.org/ruleoflaw/files/2004%20report.pdf>, accessed 12 March 2020.

atory (empowerment of victims and validation of their experience), retributive (e.g. criminal sanctions against perpetrators), reconciliatory (confessions and apologies), and revelatory (truth commissions and archival access).

Coming to terms with the past, re-examining recent history, is also of psychological importance and it is relevant for personal, group, and national identities.⁷ These difficult, at times even tormenting processes have many aspects – political, historical, legal, financial, ethnic, ethic, and religious. Efforts must be made to not just unmask and correct the past, to convict perpetrators, but also to gain a better understanding of the previous system in which such violations occurred, and to create a social climate that facilitates reconciliation, as it was tried, for example, in South Africa.⁸ People and nations remember in different ways⁹ and transitional justice is important on the societal level.¹⁰ Individuals and nations are well-advised to look back as it may help them manage the future. If eyes are closed toward the past, one may be blind for what lies ahead. When speaking about genocide, Pope Francis said concealing or denying evil is like allowing a wound to keep bleeding without bandaging it.

Due to the complex, multi-faceted nature of transitional justice, in this paper, *justice* shall be examined not primarily from a legal, but predominantly from a socio-political angle.¹¹

Authoritarian Past and Transitional Justice in Taiwan

It is our earnest hope that the people of Taiwan will never again be so mercilessly destroyed by their rulers, that they will sleep soundly in their beds each and every night, happy and at peace.

Chang Yen-hsien

Taiwan, an island of about 36,000 square kilometers, has a complex history and society, despite its relatively small size. Due to its strategic location, to the west of China, to the south of Japan, and to the north of the Philippines, Taiwan has often attracted the attention of outsiders. Tens of thousands of years ago, as sea water

⁷ Cf. Brown, Melissa J. (2004): *Is Taiwan Chinese? The Impact of Culture, Power, and Migration on Changing Identities*, Berkeley/Los Angeles, CA: University of California Press; Yu, Fu-Lai Tony, and Kwan, Diana Sze Man: *Social Construction of National Identity: Taiwanese versus Chinese Consciousness*, *Social Identities*, 14 (2008) 1, pp. 33-52. For repercussions on the international identity, cf. Klintworth, Gary: *Taiwan's International Identity: 400 Years in the Melting Pot*, *The Journal of East Asian Affairs*, X (Summer/Fall 2000) 2, pp. 373-394.

⁸ Cf. Louw, P. Eric (2004): *The Rise, Fall, and Legacy of Apartheid*, New York, NY: Praeger.

⁹ Cf. Connerton, Paul (1989): *How Societies Remember*, Cambridge: Cambridge University Press.

¹⁰ Cf. De Brito, Alexandra B. et al., eds. (2001): *The Politics of Memory. Transitional Justice in Democratizing Societies*, Oxford: Oxford University Press.

¹¹ Bärbel Bohley, an East German civil rights activist, famously remarked about the changes in East Germany since 1989/1990: "We wanted justice and we got the rule of law". Cf. Welsh, Helga A.: *When Discourse Trumps Policy: Transitional Justice in Unified Germany*, *German Politics*, 15 (2006) 2, pp. 137-152.

levels were much lower than today, humans were able to cross the Taiwan Strait from the Chinese Mainland to Taiwan. About 5,000 years ago, there was further migration from China to Taiwan. The descendants of these Austronesian peoples still live in Taiwan, known as the Taiwanese indigenous peoples. At present, they constitute only two percent of Taiwan's total population, or about 570,000 out of 23.6 million inhabitants.

In 1544, Portuguese sailors called Taiwan *Ilha Formosa*, or “Beautiful Island” – a name that has been associated with Taiwan to this present day. About half a century later, in the early 17th century, Han Chinese immigration to Taiwan began. In 1623, the Dutch arrived in southwestern Taiwan; they were to rule that part of the island for almost forty years, until 1662. The Spanish, who had been exploring and colonizing the Philippines for a century by then, ruled northern Taiwan from 1626 to 1642, when they were defeated by the Dutch. The Dutch, in turn, were defeated by Zheng Chenggong, a Ming loyalist from Mainland China. Zheng Chenggong founded a short-lived kingdom in southwestern Taiwan in 1661. After he and his son passed away, the Qing Empire took over this kingdom in 1683 and established Taiwan Prefecture in 1684.¹² 200 years later, in 1887, Taiwan was elevated to provincial status and a governor was installed. After the Qing Empire was defeated by the Japanese Empire in the First Sino-Japanese War of 1894/1895, Taiwan was ceded to Japan in 1895.¹³ Thus began fifty years of Japanese rule over Taiwan, which ended with Japan's defeat in the Second World War in 1945.

The Republic of China took possession of Taiwan and selected Chen Yi, who had been governor of nearby Fujian Province for eight years, as chief executive of Taiwan Province. Taiwan was faced with large-scale immigration from the Chinese Mainland and as this was combined with a worsening of the island's economy (inflation, high unemployment, soaring cost of living, and rice shortage despite good harvests), the spread of diseases (cholera and bubonic plague), rampant corruption of the new provincial administration, and forced Sinicization/De-Japanization, tensions quickly grew between mainlanders and the local population.¹⁴

The new administration in Taiwan, brought in from the Chinese mainland, was only half in size of what the Japanese administration of Taiwan had been in 1945. And the ROC military and police were merely 6.5 percent of Japan's previous forces in Taiwan.¹⁵ It did not help that Chen Yi believed the “mainland Chinese were advanced

¹² However, even by the end of Qing rule over Taiwan in 1895, less than half of Taiwan was under direct Qing administration. Cf. Morris, Andrew (2002): *The Taiwan Republic of 1895 and the Failure of the Qing Modernizing Project*, in Corcuff, Stéphane (ed.): *Memories of the Future: National Identity issues and the Search for a New Taiwan*, New York, NY: M.E. Sharpe, pp. 5-6.

¹³ In a bid to prevent the Japanese occupation of Taiwan, but not to gain independence from China, a Republic of Taiwan was founded in May 1895. After several months of resistance against Japan, this republic ceased to exist in October 1895. Cf. Lamley, Harry J.: *The 1895 Taiwan Republic. A Significant Episode in Modern Chinese History*, *Journal of Asian Studies*, XXVII (August 1968) 4, pp. 739-762.

¹⁴ United States Department of State: *United States Relations With China, With Special Reference to the Period 1944-1949, Annex, Memorandum on the Situation in Taiwan*, submitted by Ambassador Stuart to President Chiang Kai-shek on 18 April 1947, Department of State Publication 3573, Far Eastern Series 30, August 1949, pp. 924-925, <https://babel.hathitrust.org/cgi/pt?id=umn.31951d01115459w&view=1up&seq=5>, accessed 15 March 2020.

¹⁵ Lai, Tse-han; Myers, Ramon; Wou, Wei (1991): *A Tragic Beginning: The Taiwan Uprising of February 28, 1947*, Stanford, CA: Stanford University Press, p. 65.

enough to enjoy the privileges of constitutional government, but because of long years of despotic Japanese rule, the Formosans were politically retarded and were not capable of carrying on self-government in an intelligent manner”.¹⁶ The *National General Mobilization Law*, in effect in China since 1942, was also applied in Taiwan as of the second half of the 1940s. This law had wide provisions not only for the economy, finance, and trade, but it also curtailed political freedom, ostensibly to combat Communism.

On 27 February, 1947, in the evening, a forty-year old widow, Lin Jiang-mai, who sold contraband cigarettes, was beaten in Taipei City by a Tobacco Monopoly Bureau agent. As bystanders challenged the Tobacco Monopoly Bureau team, one of its officers fired his gun and hit a man, Chen Wenxi, who succumbed to his injury on the following day. Citizens reported the incident to the police and received a lukewarm response. On the morning of February 28, protestors occupied a radio station and spread the news about the incident in northern Taiwan. About 2,000 peaceful protestors marched from the site of the incident to the Tobacco Monopoly Bureau headquarters at first and then to Chen Yi’s office. Without warning, the protestors were raked with machine gun fire, killing and wounding several people. Thereafter, throughout Taipei, angry crowds attacked mainland Chinese and damaged property. In the late afternoon, Chen Yi declared Martial Law, but this did not prevent the protests and violence from spreading all over Taiwan. More than one thousand mainland Chinese were killed in Taiwan during the following days.¹⁷

Citizens formed a *Committee to Settle the February 28th Incident* in Taipei and requested that Chen Yi lift Martial Law. In a radio address on March 2, 1947, Chen Yi suggested a meeting with the committee on March 10. However, troops continued firing at unarmed civilians while Chen Yi asked for military reinforcements from the Chinese Mainland. These reinforcements landed on March 8 and started killing indiscriminately, throughout Taiwan, by the thousands. Within ten days, the uprising was brought under control. Thereafter, members of the Taiwanese elite were specifically targeted. Chen Yi suppressed the uprising with such cruelty that it was compared to the Nanjing Massacre of 1937/1938.¹⁸ As recommended by the Central Executive Committee of the KMT in late March 1947, Chen Yi was dismissed one month later, but the terror in Taiwan had only begun.

The *Temporary Provisions Effective During the Period of National Mobilization for the Suppression of the Communist Rebellion*, still enacted on the Chinese Mainland, also applied to Taiwan. They authorized the President of the Republic of China to “take emergency measures to avert an imminent danger to the security of the state or the people”.¹⁹ On this basis, in May 1949, Martial Law was declared on the island again,

¹⁶ Cf. Kerr, George H. (1965): *Formosa Betrayed*, Boston: Houghton Mifflin, p. 240. Chen Yi, having studied in Japan for seven years, was fluent in Japanese, but he insisted on speaking Mandarin Chinese in Taiwan even though some Taiwanese were unable to understand it. Cf. Lai, Tse-han; Myers, Ramon; Wou, Wei, pp. 79-80.

¹⁷ Smith, Craig A. (2008): *Taiwan’s 228 Incident and the Politics of Placing Blame*, Past Imperfect, University of Alberta, 14, p. 148.

¹⁸ Cf. The Owasso Argus-Press: *Chiang to Formosa?*, 14 January 1949, p. 4.

¹⁹ The Temporary Provisions also allowed the President and Vice President to remain in office for more than two terms. In effect, the Temporary Provisions created a presidential system, as opposed to the parliamentary system of the ROC constitution.

to be lifted 38 years later, in July 1987.²⁰ This period became known as the *White Terror*. In four decades, from 1947 to 1987, 140,000 people were imprisoned and thousands were executed while the government insisted there were no political prisoners in Taiwan.²¹ For example, it claimed that the inmates of the *New Life Correction Center*, established in 1951 on Green Island, off the eastern coast of Taiwan, were civil war prisoners.

At the end of Martial Law, in his inauguration address in 1988, incoming President Lee Teng-hui, (acting) Chairman of the KMT, called upon ROC citizens to forget the past and to look forward.²² In 1990, government files were opened and the Executive Yuan was asked to create an independent commission, consisting of historians, to conduct research on the 228 Incident. The findings, the *Study Report on the February 28 Incident*, were presented in 1992.²³ The commission's report did not name any perpetrators and nobody was tried in court, but it did state that Chiang Kai-shek did not oversee operations in Taiwan properly and did not punish officials for acts of violence. In 1991, the members of the Legislative Yuan paid a silent tribute to the victims of the 228 Incident and in 1992, the government organized a symphony concert for the survivors and those who had lost family members. Also in 1992, the Temporary Provisions Effective During the Period of National Mobilization for the Suppression of the Communist Rebellion were lifted. In 1995, President Lee apologized to the victims on behalf of the ROC government, calling Taiwan "a community based on common experience" and 228 "Taiwan's most significant historical event".²⁴ Lee said "fifty years of common destiny forged in fortune and misfortune have united us all into a closely bound and interdependent community".²⁵ The 28th of February became a commemorative public holiday and compensation legislation was passed.

On the 50th anniversary of 228, in 1997, the *Taipei 228 Memorial Museum* was opened. On this day, Vice President Lien Chan (1996-2000) said Taiwan should "tender the truth unto history, clear the victims of their unjust charges, clarify misunderstandings, and wipe out the hidden concern for ethnic tension", calling 228 a "historical mistake" and suggesting to leave the "sorrowful, nebulous, and old era" behind.²⁶ One year later, the *Foundation for Compensating Improper Verdicts* was established, to provide compensation for the 228 Incident. For each year spent in prison, a victim would receive 500,000 New Taiwan Dollars, up to a maximum of five million New Taiwan

²⁰ Other restrictions, for example the *Punishment of Rebellion Act*, remained in place a few years longer, until 1991. The ROC's martial law is second only to the 48-year martial law period in Syria (1963-2011).

²¹ Cf. Taipei Times: *White Terror exhibit unveils part of the truth*, 20 May 2005, p. 2, <http://www.taipetitimes.com/News/taiwan/archives/2005/05/20/2003255840>, accessed 16 March 2020.

²² For his thoughts on the nexus between democracy and identity, cf. Lee, Teng-hui (1999): *The Road to Democracy. Taiwan's Pursuit of Identity*, Tokyo: PHP Institute.

²³ Previously, documents were released by the Ministry of National Defense and stored at the Institute of Modern History of Academia Sinica.

²⁴ Cf. Shih, Fang-Long: *Transition to Democracy at the Expense of Justice: The 2-28 Incident and White Terror in Taiwan*, 4 March 2014, <https://www.mei.edu/publications/transition-democracy-expense-justice-2-28-incident-and-white-terror-taiwan>, accessed 22 March 2020.

²⁵ Cf. The Brookings Institution: *Taiwan's 228 Incident: The Political Implications of February 28, 1947*, 22 February 2007, <https://www.brookings.edu/wp-content/uploads/2012/04/20070222.pdf>, accessed 26 March 2020.

²⁶ Cf. Edmondson, Robert (2002): *The February 28 Incident and National Identity*, in Corcuff, Stéphane, ed.: *Memories of the Future: National Identity Issues and the Search for a New Taiwan*, New York, NY: M.E. Sharpe Publishers, p. 39.

Dollars. The compensation for the families of those who were executed or of those who disappeared was six million New Taiwan Dollars in each case. More than 2,000 cases were approved for compensation, including almost 700 execution cases.

Under President Chen Shui-bian of the DPP (2000-2008), the *Improper Martial Law Period Insurgency and Espionage Convictions Compensation Foundation* was created for the compensation of injustice of the White Terror era. In this context, more than 6,000 cases were approved for compensation, including almost 700 execution cases and more than 50 life imprisonment cases.²⁷ Numerous government documents were declassified and used for a second report on the 228 Incident in 2006. For this purpose, a *228 Massacre Truth Research Task Force* was created, consisting of academics and representatives of the victims of the 228 Incident. Unlike the previous report of 1992, the 2006 report did name perpetrators, including Chiang Kai-shek.²⁸ Moreover, during the Chen Presidency, there were attempts at rehabilitating victims, drafting laws concerning the assets of the KMT,²⁹ opening the archives of the KMT, and renaming public places dedicated to Chiang Kai-shek.

Many initiatives of Chen Shui-bian's government were thwarted by the KMT-dominated Legislative Yuan. In January 2008, alongside the Legislative Yuan election, a referendum on transitional justice was held in Taiwan. The voters were asked: "Do you agree that the following principles should be followed to legislate a 'Regulation for the Disposal of Properties Inappropriately Acquired by Political Parties', in order to return such properties of the Kuomintang to the people?: The properties of the Kuomintang and its associate organizations' properties – aside from party dues, political donations, and public subsidies – should be presumed inappropriately acquired and returned to the people. Those already liquidated, the party should compensate at market value." Even though this proposal received more than 91 percent of all votes, voter turnout was at only 26 percent, well below the required 50 percent threshold, and the referendum failed.

Under President Ma Ying-jeou (2008-2016), in 2009, Taiwan ratified the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* and presented its *National Reports* on these two covenants in the following years. On 28 February 2011, the *National 228 Memorial Museum* was opened in Taipei.³⁰ Thousands of rehabilitation certificates were issued and President Ma promised to provide for a solution for the KMT's assets; they were placed in the hands of a trust instead of handing them over to the state.³¹

²⁷ Under President Chen's successor, Ma Ying-jeou, this foundation was disbanded, at a time when 1,800 victims were still awaiting compensation. Cf. Taipei Times: *KMT's loss biggest gift to Taiwan: academic*, 15 May 2016, <http://www.taipetitimes.com/News/taiwan/archives/2016/05/15/2003646306>, accessed 22 March 2020.

²⁸ Chiang Hsiao-yen, KMT legislator and grandson of Chiang Kai-shek, sued the publisher and lead author for slander. Cf. Mobernd, Erik: *Taiwan Remembers Feb. 28 Incident*, 1 March 2006, <https://www.worldpress.org/Asia/2277.cfm>, accessed 16 March 2020.

²⁹ E.g. the *Political Parties Law* and the *Statute Regarding Improperly Obtained Party Assets*. Cf. Taipei Times: *Cabinet hails passing of political party law bills*, <http://www.taipetitimes.com/News/front/archives/2002/09/12/0000167725>, accessed 27 March 2020.

³⁰ Cf. Taipei Times: *National 228 museum opens in Taipei*, 1 March 2011, <http://www.taipetitimes.com/News/front/archives/2011/03/01/2003497056>, accessed 22 March 2020.

³¹ Cf. Taiwan Today: *Ma apologizes to White Terror victims*, 16 July 2013, <https://taiwantoday.tw/news.php?unit=2&post=3077>, accessed 17 March 2020. On 28 February 2006, when Ma was Mayor of Taipei City (1998-2006) and KMT Chairman (2005-2007 and 2009-2014), the KMT held a commem-

Transitional justice was one of Tsai Ing-wen's main campaign promises, elected to the Presidency of the ROC in 2016 as the candidate of the DPP. Just two months after Tsai became President, the *Act Governing the Handling of Ill-Gotten Party Properties by Political Parties and their Affiliate Organizations* was passed in the Legislative Yuan. All assets obtained since 15 August 1945, when Japan relinquished its assets in Taiwan, are subject to this statute.³² According to this law, all KMT assets, aside from donations, party membership fees, government subsidies for KMT candidates' campaigns, and interest from these funds, shall be investigated, and if found ill-gotten, they will be confiscated and transferred to the government or returned to its original owners.³³ President Tsai hailed this as a "milestone in Taiwan's democratic development", believing that it will allow Taiwan's political parties to "compete on a level playing field". KMT Chairwoman Hung Hsiu-chu (2016-2017) objected; she complained "this is an evil law that is illegal, unconstitutional and anti-democratic, one that is aimed at establishing a 'one-party dictatorship' in Taiwan".³⁴

The *Ill-Gotten Party Assets Settlement Committee* was inaugurated in August 2016. On this occasion, Taiwan's Prime Minister Lin Chuan (2016-2017) mentioned that Germany had a similar committee, from 1990 to 2016, to review the property of political parties and mass organizations.³⁵ Aside from investigating property, this committee also convenes seminars to exchange ideas with scholars. The committee members are appointed by the President of the Executive Yuan. The committee has a staff of twenty and meets twice a week, with extraordinary meetings on an ad hoc basis.³⁶ Citizens can file an application with the committee if they have been forced to sell their property under market value or if they received no compensation after a forced transfer of ownership. The property will be returned to the rightful owner or, if this is not possible, an equivalent compensation will be paid.³⁷ The committee has also asked the general public for assistance, promising tip-off rewards for information that leads to the discovery and retrieval of ill-gotten assets. Each reward is limited to less than one percent of the value of the retrieved asset, or 100 million New Taiwan Dollars.³⁸

orative event at 228 Peace Park. At the event, Ma said "the KMT was the ruling party [during the 228 incident] and so the KMT is not without responsibilities", stopping short of a formal apology. Cf. Taipei Times: *No apologies at KMT's 228 ceremony*, 26 February 2006, p. 1, <http://www.taipeitimes.com/News/front/archives/2006/02/26/2003294695>, accessed 16 March 2020.

³² Cf. Focus Taiwan: *Legislature passes name of political party assets statute*, <https://focustaiwan.tw/politics/201607250026>, 25 June 2016, accessed 22 March 2020. For English and German translations of the law, see Ill-Gotten Party Assets Settlement Committee: *Laws & Regulations*, <https://www.cipas.gov.tw/regulations>, accessed 24 March 2020.

³³ Taiwan News: *KMT chairwoman rebuts report of her party going bankrupt*, <https://www.taiwannews.com.tw/en/news/2975987>, 5 September 2016, accessed 22 March 2020. Aside from the KMT, nine other parties, established before the end of Martial Law, are bound by this law. Cf. Ill-Gotten Party Assets Settlement Committee: *About the act*, https://www.cipas.gov.tw/organic_rules/1, 26 February 2020, accessed 24 March 2020.

³⁴ Cf. Focus Taiwan: *Parties have opposite reactions to party asset law*, 25 July 2016, <https://focustaiwan.tw/politics/201607250033>, accessed 22 March 2020.

³⁵ Focus Taiwan: *Commission to investigate KMT assets launched*, 31 August 2016, <https://focustaiwan.tw/politics/201608310021>, accessed 23 March 2020.

³⁶ Ill-Gotten Party Assets Settlement Committee: *About CIPAS*, <https://www.cipas.gov.tw/about>, accessed 23 March 2020.

³⁷ Ill-Gotten Party Assets Settlement Committee: *Restoration of Rights*, 2 March 2020, <https://www.cipas.gov.tw/news/109>, accessed 24 March 2020.

³⁸ Ill-Gotten Party Assets Settlement Committee: *Tip-off Rewards*, 2 March 2020, <https://www.cipas.gov.tw/news/108>, accessed 24 March 2020.

Institutions, groups, or individuals who evade, refuse, or obstruct investigation are fined between 100,000 and 500,000 New Taiwan Dollars.³⁹

In August 2018, the committee determined that the *China Youth Corps* was affiliated with the KMT and that the assets of the corps, 5.6 billion New Taiwan Dollars, will be frozen. The China Youth Corps (CYC) was established in 1952 under the Political Warfare Bureau of the ROC Ministry of Defense. The CYC's original purpose was to provide military training to adolescents before they joined the ROC armed forces. In 1989, the CYC became a non-governmental organization.⁴⁰ In October 2018, it was determined that the Central Motion Picture Corporation was affiliated with the KMT, and its assets, 11.8 billion New Taiwan Dollars, were frozen.⁴¹ In March 2019, the committee ruled that most of the *National Women's League's* 38.7 billion New Taiwan Dollars are to be transferred to the government. The National Women's League of the Republic of China was founded in 1950 by Soong Mei-ling, the wife of Chiang Kai-shek, to support military families.⁴² In 2018, the committee made a Party-Owned Real Estate Search Engine available to the public, to inform about the process of property transfers.⁴³ The total value of all ill-gotten party assets in Taiwan is estimated to be at least 76.8 billion New Taiwan Dollars.⁴⁴

In October 2016, 35 KMT legislators asked the Constitutional Court to interpret the Ill-Gotten Party Properties Act. The Constitutional Court rejected this request since it would have needed the support of at least one third of all legislators (38 out of 113).⁴⁵ Concerned about its finances, the KMT asked for a "special party fee" of 2,000 New Taiwan Dollars from each of its members. The KMT also called for donations of 1,000 New Taiwan Dollars, claiming that the DPP was "marching toward fascism and green terror".⁴⁶ The actions of the Ill-Gotten Party Assets Settlement Committee drew criticism from former President Ma. Ma questioned whether Taiwan was required "to

³⁹ Ill-Gotten Party Assets Settlement Committee: *How do CIPAS exercise their power of investigation?*, 26 February 2020, <https://www.cipas.gov.tw/interpretations/13>, accessed 24 March 2020.

⁴⁰ In 2000, the corps adopted its current name; until then, it had been known as the *China Youth Anti-Communist National Salvation Corps*. Cf. Focus Taiwan: *China Youth Corps determined to be KMT-affiliated, all assets frozen*, 7 August 2018, <https://focustaiwan.tw/politics/201808070021>, accessed 22 March 2020.

⁴¹ Focus Taiwan: *Motion picture company CMPC designated as KMT affiliate*, 9 October 2018, <https://focustaiwan.tw/politics/201810090029>, accessed 22 March 2020.

⁴² Cf. Focus Taiwan: *National Women's League assets belong to state: ruling*, 19 March 2019, <https://focustaiwan.tw/politics/201903190019>, accessed 22 March 2019; Focus Taiwan: *Women's League collected over NT\$24 billion: committee*, 18 April 2017, <https://focustaiwan.tw/politics/201704180010>, accessed 22 March 2020. Information on further cases at Ill-Gotten Party Assets Settlement Committee: *The Administrative Dispositions*, 27 February 2020, <https://www.cipas.gov.tw/news/112>, accessed 24 March 2020.

⁴³ Cf. Ill-Gotten Party Assets Settlement Committee: *The Party-owned Real Estate Search Engine*, 27 February 2020, <https://www.cipas.gov.tw/news/111>, accessed 24 March 2020. The search engine's URL is <https://cipas-pad.nat.gov.tw/>, accessed 24 March 2020.

⁴⁴ Ill-Gotten Party Assets Settlement Committee: *Recent Progress*, 27 February 2020, <https://www.cipas.gov.tw/news/113>, accessed 24 March 2020.

⁴⁵ China Post: *KMT regrets Constitutional Court rejection of interpretation request*, <http://www.chinapost.com.tw/taiwan/national/national-news/2016/10/23/481887/KMT-regrets.htm>, accessed 22 March 2020.

⁴⁶ Taipei Times: *KMT schemes to raise operating funds*, 23 October 2016, <http://www.taipeitimes.com/News/taiwan/archives/2016/10/23/2003657750>, accessed 22 March 2020.

walk on the path of transitional justice”, whether a deep re-evaluation of the nation as in South Africa, postwar Germany, and Germany after reunification was necessary.⁴⁷

On International Human Rights Day on 10 December 2016, half a year after taking office, Tsai Ing-wen announced at *Jing-Mei Human Rights Memorial and Cultural Park* that a report on the White Terror era is to be completed within the next three years.⁴⁸ Also in December 2016, the *Act on Promoting Transitional Justice* was passed in the Legislative Yuan. The institution placed in charge of the upcoming White Terror report, the *Transitional Justice Commission*, was launched in May 2018. Failure to cooperate with the commission is punishable by law. The nine members of the commission, nominated by the Prime Minister, were approved in the Legislative Yuan by a pan-green majority while pan-blue legislators abstained. Aside from issuing a report, the commission is supposed to make political archives more readily available, redress judicial injustices, and remove remnants of Taiwan’s authoritarian era.

Similar to the Ill-Gotten Party Assets Settlement Committee, the Transitional Justice Commission examines injustice that occurred since 15 August 1945. However, unlike the Ill-Gotten Party Assets Settlement Committee, the Transitional Justice Commission reviews injustice not until the year 1987, the end of Martial Law in Taiwan, but until November 1992, when the Temporary Provisions Effective During the Period of National Mobilization for the Suppression of the Communist Rebellion were abolished. In October 2018, almost 1,300 people, most of them accused of espionage or rebellion against the government, were exonerated.⁴⁹ Due to a provision of the *National Security Act*, these convictions cannot be annulled.⁵⁰ As most victims have already passed away, President Tsai said “this day came too late, but being late is better than never”.⁵¹ In December 2018, more than 1,500 people were exonerated, in February 2019, more than 1,000 people, in May 2019, more than 2,000 people, and in July 2019, more than 1,000 people.⁵² Among those exonerated in 2019 were such well-known public figures as Chen Chu (President Tsai’s Secretary-General), Lu Hsiu-Lien (former Vice President), and Shih Ming-teh, former Chairman of the DPP.⁵³

⁴⁷ Cf. Taipei Times: *Pundits and assets panel threaten rule of law: Ma*, 12 February 2017, <http://www.taipetitimes.com/News/taiwan/archives/2017/02/12/2003664840>, accessed 22 March 2020; Taipei Times: *Ma Ying-jeou slams ‘horrible’ party assets committee*, 21 February 2017, <http://www.taipetitimes.com/News/taiwan/archives/2017/02/21/2003665409>, accessed 22 March 2020.

⁴⁸ Focus Taiwan: *President vows to issue White Terror fact-finding report in 3 years*, 10 December 2016, <https://focustaiwan.tw/politics/201612100005>, accessed 22 March 2020.

⁴⁹ Taipei Times: *Commission exonerates 1,270 people*, 6 October 2018, <http://www.taipetitimes.com/News/front/archives/2018/10/06/2003701820>, accessed 25 March 2020.

⁵⁰ National Security Act, Article 9, No. 2: “Decided criminal cases shall not be subject to appeal or resistant announcement ...”, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030028>, accessed 25 March 2020.

⁵¹ France 24: *Taiwan pardons over 1,200 ‘White Terror’ victims*, 5 October 2018, <https://www.france24.com/en/20181005-taiwan-pardons-over-1200-white-terror-victims>, 25 March 2020.

⁵² Taipei Times: *Commission exonerates 1,505 people*, 10 December 2018, <http://www.taipetitimes.com/News/front/archives/2018/12/10/2003705830>, accessed 25 March 2020; Focus Taiwan: *Justice commission set to exonerate 1,056 people*, 25 February 2019, <https://focustaiwan.tw/politics/201902250018>, accessed 25 March 2020; Focus Taiwan: *Ceremony held to mark exoneration of 3,062 political victims*, 7 July 2019, <https://focustaiwan.tw/politics/201907070009>, accessed 25 March 2020.

⁵³ Taiwan Today: *Transitional Justice Commission exonerates 2,006 political persecution victims*, 3 June 2019, <https://taiwantoday.tw/news.php?unit=2,6,10,15,18&post=156205>, accessed 25 March 2020.

On International Human Rights Day on 10 December 2019, three bills passed the final reading in the Legislative Yuan, paving the way for the creation of Taiwan's National Human Rights Commission. The commission will be overseen by the President of the Control Yuan and its tasks will include reviewing alleged cases of abuse/discrimination, drafting Taiwan's National Human Rights Report, and advising the government on its human rights policies.⁵⁴

Authoritarian Past and Transitional Justice in (East) Germany

*We are not faced with problems that come into being only now,
but with old, concealed wounds of our society.
These wounds must be uncovered now, so that they can heal.*

Lothar de Maizière

Lothar de Maizière was the last and the first freely elected Prime Minister of East Germany; he refers to Germany's third attempt at coming to terms with its past. In recent history, Germany underwent at least three processes of soul-searching:

1. In 1919, after the First World War, after the abolition of the monarchy and the establishment of the *Weimar Republic*;
2. After 1945, after the Second World War, when the horrendous atrocities of Nazi Germany became better known;
3. After 1990, when, in reunified Germany, there were efforts to examine the history of the GDR, which is often called the "second German dictatorship".⁵⁵

The first attempt failed. Although the last German Emperor had gone into exile, a large part of the German military and bureaucracy as well as the population neither welcomed nor accepted the new republic. Furthermore, the question of guilt was not addressed properly because the majority of Germans felt betrayed and humiliated and conspiracy theories flourished. The second effort was more successful. In 1945, Germany was thoroughly defeated, it lost lands, and its remaining territory was divided into occupation zones of its erstwhile enemies. Hitler had committed suicide and Nazi Germany was completely discredited. Re-education was pursued by the occupying forces and the question of guilt, this time, was unequivocal as the evidence was obvious and overwhelming. This process, however, slowed down and denazification became less important as the Cold War would dominate politics for the next forty years. Laudable exceptions were the *Auschwitz Trials* in the city of Frankfurt am Main, which

⁵⁴ Taiwan Today: *Taiwan makes headway on establishing National Human Rights Commission*, 10 January 2020, <https://taiwantoday.tw/news.php?unit=2&post=169294>, accessed 17 March 2020.

⁵⁵ Cf. Kühnhardt, Ludger/Leutenecker, Gerd/Rupps, Martin/Waltmann, Frank, eds. (1996): *Die doppelte deutsche Diktaturerfahrung. Drittes Reich und DDR – ein historisch-politikwissenschaftlicher Vergleich* [Germany's double experience with dictatorship. Third Empire and GDR – a historico-political comparison], Frankfurt am Main: Peter Lang.

began in 1963 and lasted for several years.⁵⁶ The third effort is still ongoing; it is being studied carefully in Taiwan.

After the barbarism of the Holocaust and the defeat of Nazi Germany in the Second World War, a *Socialist German Peace State* was to be established in the Soviet Occupation Zone, true to the lines of its national anthem: “Risen from the ruins / And facing the future / Let us serve you for the good [...]”. East Germany sought a clean break from what it called imperialist aggression and oppression, of which it accused its competitor, the FRG. As East Germany stood at the very front line, in the heart of Europe, directly facing its capitalist opponents, the country created a robust defense against threats both from without and within.

However, many East Germans did not follow the lead of their government. In June 1953, 1.5 million people demonstrated against its policies throughout the country. This popular uprising was subdued only by the intervention of Soviet troops. Discontent with the new political system was so great that large numbers of East Germans fled the country. The East German government, afraid that this outflow would worsen problems in society and economy, with the consent of the Soviet Union, strengthened the fortifications on its border with West Germany and West Berlin in August 1961; the latter became known as the *Berlin Wall*.⁵⁷ East German soldiers at the border had orders to shoot at those who tried to escape, and hundreds were killed.

Under Federal Chancellor Willy Brandt (1969-1974), West Germany sought détente and change through rapprochement in its relationship with East Germany and other members of the Eastern bloc. In 1975, the governments of thirty-five countries from East and West, including East and West Germany, signed the *Helsinki Final Act*. This agreement was not binding, but it put the East German government under pressure at home because Point VII of the Helsinki Final Act called for respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief. At the end of the 1980s, the peace and environmental movement, a disillusioned youth, a resurgent church, a grim economic outlook, and mass emigration through the West German missions in Prague, Budapest, Warsaw, East Berlin, and over the Austro-Hungarian border created enough tension in East Germany for demonstrations against the government.

In December 1989/January 1990, East German citizens occupied the regional offices and headquarters of the Ministry of State Security (Stasi) in East Berlin as the Stasi had begun destroying its records. Until then, the Stasi had managed to destroy five percent of its records by hand, fire, and shredder.⁵⁸ Throughout East Germany, citizens’ committees were established; in cooperation with state prosecutors and the police, they placed Stasi property under surveillance and prevented vigilantism.

⁵⁶ Cf. Pendas, Devin O. (2006): *The Frankfurt Auschwitz Trial, 1964-1965: History, Genocide and the Limits of the Law*, Cambridge/New York: Cambridge University Press; Werle, Gerhard and Wandres, Thomas (1995): *Auschwitz vor Gericht. Völkermord und bundesdeutsche Strafjustiz* [Auschwitz in the court of law. Genocide and criminal justice of the Federal Republic of Germany], Munich: C.H. Beck.

⁵⁷ Its official designation in East Germany was *Anti-Fascist Protection Rampart*. The East German government had resettled some of its citizens in 1952, who had lived close to the border with West Germany, in *Operation Pest*.

⁵⁸ Cf. Curry, Andrew: *Piecing Together the Dark Legacy of East Germany’s Secret Police*, Wired, 18 January 2008, <https://www.wired.com/2008/01/ff-stasi/>, accessed 13 March 2020.

However, even during the occupation of the Stasi headquarters and thereafter, plainclothes Stasi personnel were able to destroy records.⁵⁹

After the end of the Second World War, the Ministry of Internal Affairs of the Soviet Union and the KGB had helped establish the Stasi.⁶⁰ As the SED has never been chosen by East German voters in a free election, the Stasi acted as the *Shield and Sword of the Party* – this was its official motto.⁶¹ It was organized on military lines, highly centralized, and had its own detention centers and its own armed forces. Over the years and decades, 250,000 people were arrested by the Stasi as political prisoners. From 1950 to 1989, 270,000 people worked for the Stasi, plus half a million informers; the inclusion of occasional informers would raise this figure to two million.⁶²

According to Simon Wiesenthal, “the Stasi was much, much worse than the Gestapo ... the Gestapo had 40,000 officials watching a country of 80 million, while the Stasi employed 102,000 to control only 17 million.”⁶³ After resorting to overt terror in the early years of the GDR, the Stasi developed a psychological warfare technique called *Decomposition* for the repression of political opponents.⁶⁴ The goal of this technique was to cause damage to the mental health of perceived enemies; their friendships and professional careers were destroyed.⁶⁵ The Stasi kept files on six million people (two million of these were West Germans) and it helped a terrorist organization in West Germany, the *Red Army Faction*.⁶⁶ In the 1970s, the Stasi grew considerably as the political leadership of East Germany was concerned about negative effects of détente.⁶⁷

⁵⁹ Cf. Federal Government of Germany: Staatliches Komitee zur Stasi-Auflösung gebildet [Creation of a government committee for the dissolution of the Stasi], <https://www.bundesregierung.de/breg-de/aktuelles/staatliches-komitee-zur-stasi-aufloesung-gebildet-462900>, accessed 13 March 2020; Research Service of the German Federal Parliament: *Vor 25 Jahren: Die Volkskammer der DDR fasst den gesetzlichen Beschluss zum Umgang mit den Stasi-Unterlagen* [25 years ago: the People's Chamber passes a law on the treatment of the Stasi files], <https://www.bundestag.de/resource/blob/385664/8949e6993dccb3f9a26b1506a2835133/stasi-unterlagengesetz-data.pdf>, accessed 14 March 2020.

⁶⁰ Vladimir Putin, President of Russia (1999-2008 and since 2012), fluent in German, was a KGB officer in East Germany. He was stationed in the city of Dresden in Saxony from 1985 to 1990, officially working as a translator. In November 1989, he burned KGB files to prevent them from falling into the hands of East German demonstrators.

⁶¹ This was similar to the KGB motto, *Loyalty to the party – Loyalty to the motherland*.

⁶² Cf. Koehler, John O. (2000): *Stasi: the untold story of the East German secret police*, Boulder, CO: Westview Press, pp. 8-9.

⁶³ Cf. <https://archive.nytimes.com/www.nytimes.com/books/first/k/koehler-stasi.html>, accessed 13 March 2020.

⁶⁴ Pingel-Schliemann, Sandra (2003): *Zersetzen, Strategie einer Diktatur: Eine Studie* [Decomposition, strategy of a dictatorship: a study], Berlin: Robert-Havemann-Gesellschaft.

⁶⁵ Cf. Hubertus Knabe: *The dark secrets of a surveillance state*, TEDSalon, Berlin, June 2014, https://www.ted.com/talks/hubertus_knabe_the_dark_secrets_of_a_surveillance_state, accessed 13 March 2020.

⁶⁶ Schaer, Cathrin: *The World from Berlin: Stasi Files Reveal East Germany's 'Dirty Reality'*, Spiegel Online, 10 July 2010, <https://www.spiegel.de/international/germany/the-world-from-berlin-stasi-files-reveal-east-germany-s-dirty-reality-a-635486.html>, accessed 13 March 2020; Federal Government of Germany: “Grundsteinlegung“ für die Gauck-Behörde [“First stone laying” for the Gauck agency], <https://www.bundesregierung.de/breg-de/aktuelles/-grundsteinlegung-fuer-die-gauck-behoerde-353944>, accessed 13 March 2020.

⁶⁷ Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic: *Introduction – Ministry for State Security*, <https://www.bstu.de/en/the-stasi/introduction/>, accessed 13 March 2020.

In October 1989, the long-time Minister for State Security, Erich Mielke (in office since 1957), ordered the destruction of records in the regional Stasi offices.⁶⁸ On 7 November 1989, just two days before the fall of the Berlin Wall, he resigned. Later that month, the Stasi was renamed *Office for National Security*. In January 1990, the GDR government decided to disband this office. In February 1990, it nominated three citizens for the civilian oversight of the dissolution of the Office for National Security. At the same time, the GDR government created a *Committee for the dissolution of the former Office for National Security*, in charge of settling the claims and obligations of the Office for National Security.⁶⁹ In March 1990, the whole Office for National Security staff were dismissed, except for a few hundred who were tasked with dissolving this institution. To prevent foreign intelligence from obtaining data, after a debate that lasted for two weeks, the government and citizens of East Germany agreed to destroy electronic records and magnetic tape.⁷⁰

In June 1990, the East German parliament created a special committee to oversee the dissolution of the Office for National Security, headed by Joachim Gauck, a civil rights activist who became Germany's President after reunification (2012-2017). The commission faced an arduous task: in addition to intact sources, it was in charge of 16,250 bags, filled with 41 million torn/shredded pages.⁷¹ In August 1990, the East German parliament passed the *Law on the Protection and Usage of Personal Data of the former Ministry for State Security/Office for National Security*. This drew on a draft law, introduced by the East German government in July 1990; "to provide for and support political, historical, and judicial research on the operations of the former Ministry for State Security". In the debate in parliament, Joachim Gauck said "this law will facilitate the healing process of this society". This healing process, Gauck told the members of parliament, "will come with pain, and this pain is inevitable".⁷² The law was passed with an overwhelming majority.

The West German government, however, was concerned about the two million West German citizens who had been spied on by the Stasi. It was argued that these files, or at least the data gained from wiretapping, should be destroyed. Also, the West German government suggested handing over the files of the Stasi/Office for National Security to the Federal Archives in the city of Koblenz in western Germany, after reunification. As a result, the files would have been inaccessible, a prospect that was met with strong opposition from East German civil rights activists. They demanded

⁶⁸ Cf. Research Service of the German Federal Parliament.

⁶⁹ This committee had a staff of 261, one fourth of them former Stasi employees. Cf. Federal Government of Germany: *Staatliches Komitee zur Stasi-Auflösung gebildet* [Creation of a government committee for the dissolution of the Stasi], <https://www.bundesregierung.de/breg-de/aktuelles/staatliches-komitee-zur-stasi-aufloesung-gebildet-462900>, accessed 13 March 2020.

⁷⁰ Nevertheless, in 1992, the CIA bought 381 CD-ROMs, containing 350,000 files, from KGB officers. After lengthy negotiations, copies of these files were given to the German Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic, in 2003.

⁷¹ So far, about 1.5 million pages, retrieved from 500 bags, have been reconstructed by hand. At current speed, a complete reconstruction of the 600 million shreds by hand will require 500 years. A virtual/digital reconstruction was unsuccessful. Cf. Focus Online: *600 Millionen Puzzle-Teile* [600 million puzzle pieces], No. 39 (2011), https://www.focus.de/politik/deutschland/tid-23916/report-600-millionen-puzzle-teile_aid_668712.html, accessed 13 March 2020.

⁷² German Federal Government: *Volkskammer verbietet Vernichtung von Millionen Stasi-Akten* [The People's Chamber prohibits destruction of millions of Stasi files], <https://www.bundesregierung.de/breg-de/aktuelles/volkskammer-verbietet-vernichtung-von-millionen-stasi-akten-412722>, accessed 14 March 2020.

that “our files remain here”, in eastern Germany. The civil rights activists occupied the Stasi headquarters again and started a hunger strike. They prevailed and the German Reunification Treaty was modified to the effect that the parliament of reunified Germany was required to create a law on the handling of the Stasi files. Furthermore, the German Federal Government was obligated to install a *Special Commissioner for personal data of the former State Security Service of the GDR*, to be chosen by the East German Parliament. East Germany nominated Joachim Gauck, who became the Special Commissioner on the day of reunification, 3 October 1990.

Subsequently, in late 1991, the German Federal Parliament passed the *Act regarding the records of the State Security Service of the former German Democratic Republic (Stasi Records Act)*.⁷³ The Stasi Records Act was necessary because the general term of protection of Federal archive material in Germany is thirty years, according to the *Law for the Conservation and Use of Federal Archive Material (Federal Archives Act)*.⁷⁴ The Stasi Records Act provides for personal rights and data protection as well as inquiries/research. Personal rights and data protection were important as some, for example Lothar de Maizière, feared the disclosure of previously classified data would be followed by acts of revenge, even murder.

The Stasi Records Act created the post of *Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic (Federal Commissioner for Stasi Records)*. His agency, with a staff of 1,462,⁷⁵ is called the *Stasi Records Agency*. Joachim Gauck became the first Federal Commissioner for Stasi Records, until the year 2000, succeeded by Marianne Birthler, until 2011, and Roland Jahn, since then. All three of them are East Germans; all three of them were civil rights activists in the GDR. Headquartered in the eastern part of Berlin, the agency has twelve regional offices in the capitals of almost all of the fourteen districts of the former GDR.⁷⁶

Within a quarter-century after reunification, over seven million people, most of them from East Germany, asked to view their files.⁷⁷ The files do not contain the real names, but the covert names of Stasi operatives; victims can ask the Stasi Records Agency to reveal to them the real names of the Stasi operatives who spied on them. Despite these disclosures, there are no known cases of vengeance. Five years ago, the Stasi Records Agency made files available online; this excludes files of living people, for privacy reasons.

⁷³ Official English translation at https://www.bstu.de/assets/bstu/en/Downloads/StUG_englisch_pdf.pdf, accessed 13 March 2020.

⁷⁴ Cf. § 11 (1), <https://www.bundesarchiv.de/EN/Navigation/Meta/About-us/Legal-Bases/Federal-Archives-Act/federal-archives-act.html>, 8 May 2019, accessed 14 March 2020.

⁷⁵ Cf. Draft law for the determination of the Federal budget plan for the 2020 fiscal period, <http://dipbt.bundestag.de/dip21/brd/2019/0330-19.pdf>, p. 129, accessed 14 March 2020.

⁷⁶ There are no regional offices in the cities of Potsdam and Cottbus, both located in the Federal State of Brandenburg.

⁷⁷ Persons concerned, third parties, and near relatives may view their files free of charge. Former employees and beneficiaries of the State Security Service are charged 76.69 Euros for information or to view records. Cf. Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic: *Fees for Viewing Records*, <https://www.bstu.de/en/access-to-records/fees/>, accessed 14 March 2020.

After reunification, the public prosecution began criminal proceedings against SED officials. However, this was not without problems. Some crimes fell under the statute of limitations and in some cases, penal action was not possible due to *ex post facto*. Furthermore, as stipulated by the German Reunification Treaty, for the assessment of felonies, the law both of the FRG and GDR had to be considered. For this reason, there were few harsh verdicts and in mid-1991, a public debate about a political tribunal began. This debate was started by East German civil rights activist Friedrich Schorlemmer. Schorlemmer envisaged a tribunal consisting of all three branches of government, aided by scholars and members of the society.⁷⁸ Another East German civil rights activist, Wolfgang Thierse,⁷⁹ suggested a tribunal that was to be managed solely by East Germans, under the leadership of civil rights activists. And East German civil rights activist Wolfgang Ullmann⁸⁰ preferred a tribunal that was not limited to eastern Germany or Germany as a whole, but would have been international in nature. None of these proposals bore fruit.

In November 1991, East German civil rights activist Markus Meckel demanded that the German Federal Parliament create a Study Commission, for the “political reassessment of the 40 years of the GDR”.⁸¹ In early 1992, in the German Federal Parliament, different political parties presented their suggestions for a Study Commission. In a debate that lasted for five hours, Willy Brandt, in his last speech in the German Federal Parliament, warned against spreading “a cloak of silence over grave injustice”.⁸² All political parties in the German Federal Parliament, except for the Party of Democratic Socialism (PDS), believed that the GDR was a system of injustice and that its past needed to be reassessed. Hence, the German Federal Parliament created a 27-member Study Commission, *Reassessment of the History and Effects of the SED Dictatorship*.

Sixteen committee members (plus sixteen alternate members) were members of the German Federal Parliament, mostly from eastern Germany, nominated by different political parties, and eleven committee members were external experts. They were mostly from western Germany and mainly historians, as well as social scientists, jurists, journalists, and theologians.⁸³ This study commission was larger than any previous study commission of the German Federal Parliament and it received widespread media attention.⁸⁴ Rainer Eppelmann, an East German civil rights activist and

⁷⁸ Cf. Enquete-Online, <https://enquete-online.de/vorgeschichte/>, accessed 19 March 2020.

⁷⁹ Wolfgang Thierse became the leader of the Social Democratic Party in the GDR in 1990. He was a member of the German Federal Parliament from 1990 to 2013, serving as its President from 1998 to 2005 and its Vice President from 2005 to 2013.

⁸⁰ Wolfgang Ullmann was a member of the German Federal Parliament from 1990 to 1994 and a member of the European Parliament from 1994 to 1999.

⁸¹ Markus Meckel was one of the founding members of the Social Democratic Party in der GDR in October 1989. He served as Minister of Foreign Affairs of the GDR from April to August 1990 and as a member of the German Federal Parliament from 1990 to 2009.

⁸² Willy Brandt was a member of the German Federal Parliament until he passed away in October 1992.

⁸³ All members of a Study Committee, i.e. including its external experts, have the right of petition, the right to speak, and the right to vote. This differs from the Committees of Inquiry.

⁸⁴ Meckel had suggested a 15-member commission. Cf. Social Democratic Party of Germany in the German Federal Parliament: *Der SPD-Bundestagsabgeordnete Markus Meckel fordert die Einsetzung einer Enquete-Kommission zur politischen Aufarbeitung von 40 Jahren Vergangenheit der DDR* [Markus Meckel, Member of German Federal Parliament for the Social Democratic Party of Germany, calls for a Study Commission for the political reassessment of the 40 years of the GDR],

member of the German Federal Parliament, became its chairman. In May 1992, after a proposal from the commission and another debate in the German Federal Parliament, the commission was renamed *Reassessment of the History and Effects of the SED Dictatorship in Germany*, to highlight the fact that this was an endeavor for Germany as a whole. The commission had a secretariat and research assistants and it was supported by the secretariats of the political parties in the German Federal Parliament and by contemporary witnesses and scholars. The goals of the commission were fivefold:

1. A precise analysis of the totalitarian power structure of the SED dictatorship, in an effort to prevent those who organized suppression in the GDR from ever gaining power in reunified Germany;
2. an assessment of the injustice of the SED regime as historical justice for the victims;
3. a contribution to inner unity in Germany as the SED dictatorship had effects not only in East Germany, but also in West Germany;
4. a contribution to the strengthening of the democratic consensus in reunified Germany;
5. to suggest to parliament how the effects of the SED dictatorship can further be redressed in Germany.

The committee highlighted the fact that it is a political institution, not a scholarly one, and that, for practical reasons, some issues, for example the economy, defense, international relations, and the environment were not researched in depth. In July 1993, a delegation of the commission traveled to Moscow to learn about the opening of archives in Russia. From 1992 to 1994, the committee conducted research on six topics:

1. Power structure and decision-making mechanisms of the SED system and the question of responsibility;
2. Role and significance of ideology, integrative factors, and disciplinary practices in politics and society of the GDR;
3. Law, the judiciary, and police in the SED system;
4. Intra-German relations and the international environment;
5. Role and self-image of the churches in the different phases of the SED dictatorship;
6. Possibilities for and ways of deviance and resistance and acts of opposition, the peaceful revolution in the fall of 1989, and the reunification of Germany.

The commission presented its findings in June 1994 and pointed out that more research was necessary.⁸⁵ In their reaction to the report, all political parties in the German Federal Parliament, except for the PDS, asserted that the SED system was a dictatorship, not because of misguided development or individual abuse of power, but due to the historical and ideological background. The political parties stressed that they do not condemn all those who lived in the GDR, that there should be no guilt by association. The German Federal Parliament decided to put in place another Study

https://enquete-online.de/wp-content/uploads/2018/09/Rundbrief-vom-28.11.91_meckel_ST-Aufarbeitung-Markus-Meckel_70.pdf, accessed 19 March 2020.

⁸⁵ German Federal Parliament: *Bericht der Enquete-Kommission „Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland“* [Report of the Commission of Inquiry “Reassessment of the History and Effects of the SED Dictatorship in Germany”], 12/7820, <http://dipbt.bundestag.de/dip21/btd/12/078/1207820.pdf>, accessed 19 March 2020.

Commission, *Overcoming the Effects of the SED Dictatorship in the Process of German Unity*, that began its research in September 1995. As before, Rainer Eppelmann was selected as its chairman. Unlike in the previous commission, there was an equal number of politicians and external experts in the new commission. It conducted research on nine topics:

1. Education, science, and culture
2. Economy, social affairs, and environment
3. Divided Germany in a divided Europe
4. Reassessment in the constitutional state/Victims of the SED dictatorship
5. Archives
6. Memorials
7. International cooperation
8. Continuation of the reassessment process
9. Life in the GDR

In total, the two commissions ordered more than 300 surveys, reports, and papers on 95 topics and listened to more than 600 contemporary witnesses in 69 public hearings in the cities of Bonn, Berlin, Dresden, Eisenhüttenstadt, Erfurt, Halle, Jena, Magdeburg, and Rostock. While most of the witnesses were those who had suffered injustice in the GDR, some witnesses were former GDR leaders, for example Hans Modrow, the penultimate Premier of the GDR, Günter Schabowski, member of the Politbüro and SED spokesman, and Gerhard Schürer, member of the Politbüro and Chairman of the State Planning Commission.⁸⁶

The final reports of the two commissions were presented on 17 June 1994 and 17 June 1998, on the anniversary of the East German uprising of 1953. While these two reports reflect the conclusions of the majority of the committee members, they also include dissenting opinions. For example, the PDS criticized the first commission's claim that in East Germany, there had been a seamless transition from one dictatorship to another, i.e. from Nazi Germany to the GDR. The PDS rejects the notion of a *continuity of dictatorship* while describing the Federal Republic of Germany as a democracy with manifest conservative-authoritarian characteristics. The PDS believes that in the GDR, there were not only victims, perpetrators, and conformists, but also millions of citizens who, though not blind to deficiencies and injustice, identified themselves either in general, or mostly, or in part, with the system and society they lived in, or at least respected and tolerated it. Also, the PDS noted that even though the SED was thoroughly criticized by the committee, numerous GDR citizens had been very eager to become members of the SED.⁸⁷

⁸⁶ In October 1989, Schürer presented a confidential report to the Politbüro, *Analysis of the Economic Condition of the German Democratic Republic, with conclusions*. This paper, also known as the *Schürer Report*, is a candid description of the dire state of the East German economy. Full text of the report (in German) at http://www.chronik-der-mauer.de/system/files/dokument_pdf/58553_cdm-891030-analyse-oekonomische-lage.pdf, accessed 21 March 2020. In a press conference in East Berlin on the evening of 9 November 1989, Schabowski announced new travel regulations. The news spread quickly, East Berliners proceeded to several border crossings, and during the same night, the Berlin Wall fell.

⁸⁷ Between 1993 and 1998, the PDS published its *Views on the History of the GDR*. In eleven volumes, the PDS commented on the topics of the two Study Commissions of the Federal German Parliament.

The first commission recommended that memorials of national significance be supported by the Federal Government. The second commission was therefore requested by the German Federal Parliament to present a concept for those memorials. The *Memorials Concept* of the German Federal Government of 1999, for the victims both of Nazi Germany and the SED, is based on the recommendations of the second commission, and the memorials throughout Germany receive permanent institutional support from the Federal Government ever since.⁸⁸ In 1997, in a preliminary report, the second commission also suggested the creation of a Federal foundation for the reassessment of the history and effects of the SED dictatorship Germany, and in 1998, the *Federal Foundation for the Study of Communist Dictatorship in East Germany* was inaugurated. Rainer Eppelmann became its chairman.⁸⁹

Exchange between Taiwan and Germany on Transitional Justice

President Tsai has referred to Germany repeatedly as a source of inspiration, commending it for courageously confronting its history.⁹⁰ According to Timothy Garton Ash, “out of the experience of dealing with two dictatorships – one fascist, one communist – contemporary Germany offers the gold standard for dealing with a difficult past ... using skills and methods developed to deal with the Nazi legacy, ... no one has done it better”.⁹¹

Hence, Lung Ying-tai, ROC Minister of Culture (2012-2014) under President Ma, called upon Taiwan’s cultural offices in Germany to study the work of German human rights organizations and archives. In November 2016, Taiwan’s current Culture Minister, Cheng Li-chiun, traveled to Berlin, the first stop of her transitional justice tour of Europe, to meet Roland Jahn. Minister Cheng invited Commissioner Jahn to Taiwan; his visit took place in May 2018, to coincide with the opening of Taiwan’s National Human Rights Museum.⁹² While in Taiwan, Jahn met with Vice President Chen Chien-jen and Prime Minister Lai Ching-te. Jahn was not the only high-ranking

⁸⁸ Enquete Online, <https://enquete-online.de/ergebnisse/>, accessed 25 March 2020.

⁸⁹ The German name of the foundation, *Bundesstiftung zur Aufarbeitung der SED-Diktatur*, has a somewhat different meaning. Instead of *Study*, *Aufarbeitung* is closer to *Reassessment* or *Reappraisal*. Also, *Aufarbeitung* means *improvement* (for the future), a distinctly positive connotation.

⁹⁰ Cf. Deutsche Welle: *Taiwans Präsidentin will Aufarbeitung der Diktatur-Zeit* [Taiwan’s President Wants Reassessment of the Period of Dictatorship], 28 March 2017, <https://www.dw.com/de/taiwans-pr%C3%A4sidentin-will-aufarbeitung-der-diktatur-zeit/a-37746984>, accessed 22 March 2020; Bardenhagen, Klaus: *How Taiwan looks at German Vergangenheitsbewältigung*, 24 February 2017, <http://www.intaiwan.de/2017/02/24/tsai-transitional-justice-228-germany/>, accessed 22 March 2020; Taipei Times: *Tsai vows to investigate 228 Incident*, 24 February 2017, <http://www.taipeitimes.com/News/front/archives/2017/02/24/2003665598>, accessed 22 March 2020.

⁹¹ Ash, Timothy Garton: *Germany can show reborn Arab nations the art of overcoming a difficult past*, The Guardian, 16 March 2011, <https://www.theguardian.com/commentisfree/2011/mar/16/germany-overcoming-past-arab-dictatorships>, accessed 13 March 2020.

⁹² German Federal Parliament: *Unterrichtung durch den Bundesbeauftragten für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik: 14. Tätigkeitsbericht des Bundesbeauftragten für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik für die Jahre 2017 und 2018* [Report of the Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic: 14th Report of the Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic for 2017 and 2018], 13 March 2019, 19/8200, <http://dipbt.bundestag.de/dip21/btd/19/082/1908200.pdf>, p. 68, accessed 17 March 2020.

German transitional justice expert who paid a visit to Taiwan in 2018. In January that year, Rainer Eppelmann⁹³ traveled to Taiwan for the third time (after 2000 and 2008), also at the invitation of the ROC government. There was a public protest in Taipei by KMT supporters against Eppelmann's visit in 2018.⁹⁴ During his visit to Taiwan in 2018, he pointed out that the transition in Taiwan came about without a civil war or revolution. In Germany, he said, the political party that violated human rights lost power soon thereafter; this was different from Taiwan. Eppelmann stressed that not everything should be taken away from the party that had been in power in the past.

In October 2018, a KMT delegation traveled to Berlin to meet with Roland Jahn.⁹⁵ And in 2019, on the occasion of the 28th of February, a delegation of the German Federal Parliament that included, inter alia, the Dean of Parliament,⁹⁶ Hermann Otto Solms, and Klaus-Peter Willsch, Chairman of the Berlin-Taipei Parliamentary Circle of Friends of the German Federal Parliament, visited Taiwan. They met with Su Jia-chyuan, Speaker of the Legislative Yuan, who said Taiwan can learn from Germany about transitional justice.⁹⁷ The German delegation also called on leaders of the Kuomintang (KMT). One of their hosts, KMT Vice Chairman Tseng Yung-chuan, stated that “the KMT still exists as an opposition party, instead of disappearing like East Germany's ruling party, so the administration's claim that it borrowed from Germany is false.” The KMT cited Willsch to the effect that the change of political systems in East Germany and in Taiwan is not comparable.

KMT Chairman Wu Den-yih posited “The DPP claims to have learned its harsh party asset laws from Germany, but KMT delegations to Germany reported otherwise.” Lin Feng-jeng, Chairman of the Ill-Gotten Party Assets Settlement Committee, responded to the criticism by saying the SED had to prove that it acquired assets by legal means, but in Taiwan, the burden of proof is placed on his committee. Hence, Germany has rules for party assets that are stricter than those in Taiwan, Lin said. He added that he conducted research on this matter in Germany in 2018.

In April 2019, Katrin Budde, Chairwoman of the Committee on Cultural and Media Affairs of the Federal German Parliament and member of the advisory board to the

⁹³ Rainer Eppelmann was a member of the German Federal Parliament from 1990 to 2005. During that time, he was a member of the Berlin-Taipei Parliamentary Circle of Friends of the German Federal Parliament.

⁹⁴ Most likely, this demonstration took place because Rainer Eppelmann and his delegation did not visit any pan-blue institutions. Four months later, Roland Jahn visited institutions from both sides of the political spectrum. Cf. Deutsche Welle: *Taiwan blickt auf die deutschen Stasi-Akten* [Taiwan takes a look at the German Stasi files], 22 May 2018, <https://www.dw.com/de/taiwan-blickt-auf-die-deutschen-stasi-akten/a-43876595>, accessed 17 March 2020.

⁹⁵ Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic: *Intensives Interesse aus Taiwan* [Keen interest from Taiwan], 24 October 2018, <https://www.bstu.de/ueber-uns/aktuelles/detail/intensives-interesse-aus-taiwan/>, accessed 17 March 2020.

⁹⁶ *Alterspräsident* in German, or Father of the House/President by right of age. Solms is the longest-serving member of the German Federal Parliament (35 years).

⁹⁷ Cf. German Academic Exchange Service: *Besuch des Parlamentarischen Freundeskreises Berlin-Taipei des Deutschen Bundestages* [Visit of the Berlin-Taipei Parliamentary Circle of Friends of the German Federal Parliament], <https://www.daad.org.tw/de/2019/03/07/besuch-des-parlamentarischen-freundeskreises-berlin-taipei-des-deutschen-bundestags-in-taiwan/>, accessed 17 March 2020. Willsch also traveled to Taiwan in May 2018, with Roland Jahn.

Federal Commissioner for Stasi Records, flew to Taiwan.⁹⁸ After her meeting with Taiwan's Minister of Culture, Budde praised Taiwan as a tolerant country that deserves Germany's support. A day later, Budde exchanged views with the director of *Jing-Mei Human Rights Memorial and Cultural Park*. The director of Taiwan's National Human Rights Museum (Jing-Mei Human Rights Memorial and Cultural Park as well as Green Island White Terror Memorial Park), Chen Chun-hung, was awarded the German-Taiwanese Friendship Medal by the German Institute in Taiwan in October 2019, in recognition of his contribution to the exchange on transitional justice between Taiwan and Germany.

In December 2019, Taiwan's Representative to Germany, Shieh Jhy-Wey, and Germany's Representative to Taiwan, Thomas Prinz, signed a letter of intent on transitional justice in Berlin. The ceremony was hosted by Roland Jahn at the headquarters of the Stasi Records Agency; it was attended by Katrin Budde and Klaus-Peter Willsch.⁹⁹ This document paves the way for further exchange on transitional justice between Taiwan and Germany.¹⁰⁰

Conclusion

The GDR ceased to exist in 1990; the system that was re-evaluated thereafter has vanished. Its dominant political party metamorphosed into a new political party which is now well-integrated into the political system of reunified Germany. In Taiwan, the KMT initiated the democratization¹⁰¹ and it has become the object of scrutiny through a process of transitional justice. In Germany, the SED started its reform process in late 1989 and it required many years to find and accept a new role. In Taiwan, the KMT started a reform process which is still ongoing. The GDR disappeared, the ROC persevered, and one of its leading political parties, the KMT, is still a force to be reckoned with. Transitional justice in Taiwan, therefore, is unavoidably an undertaking which needs to be carried out with special care. Legal proceedings have to be accompanied by public discussions. The lessons of the German experience cannot be transferred easily, and certainly not completely. Their relevance, however, is worth being studied. In Germany, it is more or less about history, whereas in Taiwan it is about the past and the present, with ramifications for the future.

Japan gave up Taiwan in 1945 and the prospect of Taiwan rejoining the Chinese motherland was greeted with optimism on the island. Before long, this positive sentiment waned due to the harsh treatment of the local population at the hands of the Nationalist Chinese government. After an odyssey that began on the Chinese Mainland with the departure from Nanjing and continued via Guangzhou, Chongqing,

⁹⁸ Cf. <https://www.bstu.de/en/the-agency/advisory-board-to-the-bstu/> for the full list of advisory board members, in English, accessed 14 March 2020. Budde is also a member of the German Federal Government's commission tasked with the preparations for various events on "30 years of peaceful revolution and German unity", taking place in Germany in 2019 and 2020. Cf. <https://katrin-budde.de/aktuelles/23-aktuelles/artikel/23-kommission>, 3 April 2019, accessed 14 March 2020.

⁹⁹ Cf. Taipei Representative Office in the Federal Republic of Germany (2019): *Taiwan Newsletter*, No. 51.

¹⁰⁰ Focus Taiwan: *Taiwan, Germany sign deal on promoting transitional justice*, <https://focustaiwan.tw/politics/201912130020>, 13 December 2019, accessed 25 March 2020.

¹⁰¹ Cf. Hood, Steven J.: (1997): *The Kuomintang and the Democratization of Taiwan*, Boulder, CO: Westview Press.

Chengdu, and Xichang, the government of the Republic of China arrived in Taipei. There, and elsewhere in Taiwan, instead of being seen as a decolonizer, the KMT was regarded as yet another oppressor,¹⁰² perhaps even more brutal than its Japanese predecessor. The United States Ambassador to China, John Leighton Stuart, issued a stern warning: “A state of near anarchy is a distinct possibility for Formosa by the end of 1947 if drastic efforts to revise policy and effect governmental reforms (free of military pressure) are not undertaken speedily. Having known a relatively high standard of living under the Japanese regime, the Formosans are not going to lose what they have without a struggle directed against the forces which they hold responsible.”¹⁰³

A parliament was transferred from China to Taiwan, the Legislative Yuan, with its members chosen in 1948, on the Chinese Mainland. Due to the civil war between Nationalists and Communists, the next election, scheduled for 1951, was postponed sine die, and this parliament became known as the *Ten-thousand year Congress*. At the same time, East Germany was given a legislature, the People’s Chamber, whose name rang hollow. But after several decades of struggle in Taiwan and East Germany, the ROC and the GDR became a *res publica*. In Germany’s most populous city, this was most visible as the Berlin Wall fell in 1989, two hundred years after the Storming of the Bastille.

At a Taiwanese-German conference on human rights in Taipei in October 2019, thirty years after the fall of the Berlin Wall, Anna Kaminsky, Managing Director of the Federal Foundation for the Study of Communist Dictatorship in East Germany, remarked: “For many – especially those who became victims or those who were in the opposition – these transformation processes take too long. They hope for quick change, for quick justice, and that society as a whole will face the past and the wrongdoing and the injustice. The experience in dealing with the legacy of two dictatorships in Germany shows that these processes take several decades, they progress slowly, they are affected by setbacks, and they must be renegotiated by every generation.”¹⁰⁴

The National Museum of Taiwan History in Tainan has called 1947-1987 the *Forty Years of Silence* and the time thereafter the *30 Years of Conversation*.¹⁰⁵ It is hoped that after a long mute period, this open conversation, about the past and the future, in Taiwan and in Germany, and between Taiwan and Germany, will continue, for the greater good of all.

¹⁰² Cf. Chen, Ketty W. (2008): *Disciplining Taiwan: The Kuomintang’s Methods of Control during the White Terror Era (1947-1987)*, Taiwan International Studies Quarterly, Vol. 4, No. 4, p. 198.

¹⁰³ United States Department of State, p. 937.

¹⁰⁴ Kaminsky, Anna (2019): *Transformation and Rebirth of different and difficult Memories in Transitional Justice Processes*, presentation at the 2019 TW-DE Human Rights Education Workshop, Taipei.

¹⁰⁵ Cf. National Museum of Taiwan History: *Our 2.28: 70 Years After the 2.28 Incident*, https://www.nmth.gov.tw/en/exhibition_64_353.html, accessed 18 March 2020.