

Transitional Justice

-Truth, Fairness, Rule of Law, and Democratic Consolidation

The concept of transitional justice generally refers to a range of approaches that a former authoritarian, autocratic or totalitarian state after the process of democratization may use to address past human rights violations and mass atrocities such as violence and repression adopted by former rulers against societal stability and it also aims to adopt positive means to repair the privilege of certain classes of people and its complicated accomplice structure formed by past authoritarian regime. The purpose of transitional justice is to rebuild the justice deprived by old authoritarian regime and make the idea and value of fairness and justice be manifested by facing and reflecting the unbearable history honestly in current democratized society.

From 1945 to 1988, by the authoritarian regime, Chiang kai-shek and Chiang Ching-kuo had ruled Taiwan through Chinese Nationalist party under the regime of the Republic of China and had also dominated Taiwan with an iron fist by declaring the martial law. Under the disguises of the “mobilization for the suppression of Communist rebellion” and “martial law,” the authoritarian governance had controlled and destroyed Taiwanese society from every angle including politics, economy, society, cultural affair, academic development, press media, and so on. The civil society thus had filled with unfair and unjust incidents yet the victims could only be devoured by sufferings with no means to appeal. Although Taiwan has enforced the democratic system through long efforts devoted by the democratic pioneers and the people of Taiwan, there are still some thorny obstacles for Taiwanese society to overcome and move forward. In the meantime, the people in Taiwan must be aware and remind ourselves at any moment that no one can ensure that Taiwan would by no means turn back to the authoritarian ruling.

In short, if we want to live in a fair and just society, the running of government has to be based on the principle of the rule of law, then Taiwan’s democracy can be consolidated and the human rights can be safeguarded. To achieve this goal, the enforcement of the transitional justice would play a key role, but if we really have the resolution to enforce it, we can find out that what has been done is far less than what ought to be done. Yet, the precondition for the enforcement of transitional justice is to let the statesman who devotes himself to enforce it to hold the ruling power and embrace the support of majority seats in the Congress. By doing this, the authoritarian nature of the Chinese Nationalist Party will disappear and thereby the transitional justice can be realized.

Meanwhile, in our vision of the transitional justice, the Taiwan Brain Trust proposes certain measures and steps including:

1. Establish special agency responsible for the enforcement of the transitional

justice;

2. Revise existing laws and regulations in order to conform with the principle of democracy and the rule of law;
3. Conduct positive investigation on the history during the period of the authoritarianism;
4. Investigate the perpetrators in the authoritarian period and bring them to justice.
5. Eliminate all authoritarian elements that hamper the democratic society;

Hence, one must realize that the democracy today is not a gift from heaven but comes from the blood and sacrifices of all past democratic martyrs and advocates. It must be given due maintenance and cared by any means to ensure the lasting thereof.

In fact, as a citizen in democratic society, one should pay attention on public affairs and devotes himself in maintaining the fairness and justice of the system. Simultaneously, the people in Taiwan should bring their kindness nature to comfort and redress innocent victims in the authoritarian regime just like we had put greatest sympathy to our people suffering from the 921 earthquake. In sum, one should extract whole efforts to ensure the democracy, rule of law, human rights, fairness, and justice by the civilian power with the considerate and humanitarian virtues. Finally, to safeguard the democratic sustainability in Taiwan, the mechanism that rewards good and punish evil and also balances in power and responsibility to make the social fairness and justice can be truly realized in our homeland, Taiwan.