

Report on the Treatment of Former President Chen Shui-bian at Taipei Prison



Agency of Corrections

Ministry of Justice

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Table of Contents

I. Preface.....	1
II. Mr. Chen's treatment in prison	2
1.Detention and imprisonment.....	2
2.Treatment in prison	2
III. Responses to questions regarding Mr. Chen's imprisonment ...	17
1. Did Mr. Chen's imprisonment cause him to attempt suicide?	17
2. Has Chen's health deteriorated? Has he been taking psychiatric medications?	18
3. Why doesn't the prison provide a bed for each inmate and improve the space arrangement of Mr. Chen's prison cell?	18
4. Why does Mr. Chen not work in a workshop?	19
IV. In light of Mr. Chen's current health issues, is he qualified to be released on bond for medical treatment?.....	20
V. Conclusion	23

Appendix I: Sequence of events during Mr. Chen's hunger strike

Appendix II: List of Taipei Prison inmates who have received medical
treatment outside prison on bonded release

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I. Preface

Former President Chen Shui-bian (hereafter referred to as “Mr. Chen”) was sentenced to prison terms totaling 17 years and 6 months for corruption and acceptance of bribes, and began serving his time at Taipei Prison on December 2, 2010. Mr. Chen is currently also on trial for perjury, malfeasance in office, and corruption.

Paragraph 1 of Article 6 of the United Nations Standard Minimum Rules for the Treatment of Prisoners provides that “there shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Due to the need for equitable application of criminal sanctions, the Agency of Corrections of the Ministry of Justice (hereafter referred to as “the MOJ Agency of Corrections”) must not, on account of a particular inmate’s status, accord special treatment to that person. However, Mr. Chen is a former head of state and a former chairman of the largest opposition party in Taiwan, thus his circumstances are unprecedented in the nation’s history, and any missteps in the treatment he receives in prison could lead to political confrontation or social unrest.

To ensure social and political harmony and reduce social confrontation, Taipei Prison has shown special concern for Mr. Chen’s daily routine and medical care during his imprisonment. To the extent permissible by law and by the current state of facilities, he has been provided better living conditions and medical care as a show of respect for a former head of state.

II. Mr. Chen's treatment in prison

1. Detention and imprisonment

On November 12, 2008, the Taipei District Court mandated that Mr. Chen be taken into custody at the Taipei Detention Center on charges of corruption. He was held at the center until being released without bail on the order of the district court on December 12 that same year.

After prosecutors filed two interlocutory appeals, the Taiwan High Court remanded the case and the Taipei District Court reversed its earlier ruling, deciding on December 30, 2008 that Mr. Chen should be detained but allowed visitors. That same day, Mr. Chen was again taken into custody at the Taipei Detention Center. Following the trial's end with a guilty verdict for which Mr. Chen was sentenced to 17 years and 6 months in prison, Mr. Chen was moved to Taipei Prison on December 2, 2010, where he has remained ever since.

2. Treatment in prison

(1) Expanded prison cell and living space

Mr. Chen occupies a cell that is approximately 4.56 square meters in area. Taipei Prison vacated the cell across from Mr. Chen's, and prepared a desk and a chair in the said cell for his use from 9:00 to 12:30 and from 14:00 to 16:30 (six hours total) on weekdays. He may use this facility for working, dining, reading, and writing. The space granted to Mr. Chen is thus not limited to his own cell. The 9.12-square-meter area made available to him is far greater (approximately seven times) than the 1.29 square meters allotted to other inmates. (Taipei Prison—including prisoner cells and workshops—as of August 2, 2012 has a total area of about 5,342 square meters, and houses 4,154 inmates, each of whom is allotted an average of 1.29 square meters of space. An ordinary cell measures 4.56 square meters and is shared by two to three people; a cell of 13.58 square meters is shared by seven to eight people; and a cell of

21.61 square meters is shared by 18 to 20 people. None of these cells have desks or chairs.)

(2) Concerning Mr. Chen's health

- i. Mr. Chen is ordinarily allowed daily exercise outdoors. Since May 10, 2012, he has exercised outdoors for at least an hour each day, which far exceeds the 30 minutes (double the amount of time) allowed for other inmates. He exercises indoors when it rains.
- ii. Since his incarceration, Taipei Prison staff members have taken his blood pressure and pulse twice daily, while weekly readings have been taken by a staff member from the prison's health and hygiene section. The readings are provided to the prison's medical officers for their reference, a privilege not accorded other inmates.
- iii. Mr. Chen is allowed hot-water baths throughout the year. His clothes and bedding are both hung out in the sun to dry and then dried in a clothes dryer every day. Due to limited funding, Taipei Prison provides other inmates with hot water baths only twice a week except during the winter months (December to February) and their clothes are not dried in a clothes dryer.
- iv. To ensure Mr. Chen's proper nutrition and health, Taipei Prison allows his family to send him health supplements such as Centrum, collagen, Lactasin, and Ensure.
- v. During their visits to Mr. Chen at Taipei Prison, Mr. Chen's family and friends are permitted to bring him his favorite hometown foods, such as steamed rice puddings, pork rice tamales, milkfish, and eel. (A total of 187 packages, each weighing approximately two kilograms, have been received, as listed in the table below.)

Food packages received by Mr. Chen from family and friends

Occasion \ Year	2010	2011	2012	Subtotal
Ordinary visits	4	31	11	46
Additional visits	3	36	18	57
Special visits	4	49	31	84

(3) Provision of better medical care and prompt arrangement of medical examinations by outside doctors:

Ordinary inmates receive medical treatment (at either public or personal expense) from doctors arranged by Taipei Prison. When inmates request an examination, the doctors on duty classify their symptoms before taking them to the prison clinic for further medical consultation. To ensure Mr. Chen's health, however, Taipei Prison also has commissioned Taoyuan General Hospital and Chang Gung Medical Hospital at Linkou to have their doctors treat Mr. Chen on 54 occasions (8 times in 2010, 31 times in 2011, and 15 times in 2012 as of July 31). In addition, Mr. Chen received outside medical treatment under guarded escort last year on January 19 and this year on March 7, April 23, and May 23. Taoyuan General Hospital and Chang Gung Medical Hospital used advanced medical equipment to provide detailed and precise examinations, diagnoses, and treatments. To help alleviate his anxiety about his health, a variety of family members and friends (including his son, Chen Chih-chung; daughter, Chen Hsing-yu; and friends Dr. Kuo Chang-feng, Dr. Wen-Je Ko, and Dr. Cheng-Deng Kuo) have accompanied Mr. Chen during the examinations, and been present to hear medical doctors explain their diagnoses and treatments. In addition, he has been permitted on multiple occasions to receive special visits from friends in the medical profession who have traveled to Taipei Prison to show their concern and check on his health. The details are summarized as follows:

Medical treatment in Taipei Prison

Year Occasion	2010	2011	2012	Total
Treatment within Taipei Prison	8	31	15	54
Treatment outside of Taipei Prison	0	1	3	4

Special visits with friends from the medical field

Time	Names
101.05.09	Dr. Wen-Je Ko, Dr. Cheng-Deng Kuo
101.06.01	Dr. Wen-Je Ko, Dr. Chiao-chicy Chen
101.06.11	Dr. Ken Yoneda, Dr. Charles Whitcomb, Dr. Joseph Lin
101.06.27	Dr. Chiao-chicy Chen

- (4) Allowing Mr. Chen to retain outside doctors for medical treatment at his own expense

Mr. Chen has been allowed to designate specific medical doctors for treatment at his own expense. On July 12, 2012, his son-in-law Dr. Chao Chien-ming from Sin-Lau Hospital diagnosed Mr. Chen as suffering from degenerative arthritis in his right knee and needing injections of hyaluronic acid to lubricate the joint. Dr. Chao then proceeded to inject two shots of hyaluronic acid into Mr. Chen's right knee. On August 1 of the same year Dr. Chen Hsing-yu (Mr. Chen's daughter), a dentist at Y.C. Dental Clinic in Tainan City, along with two assistants, brought medical equipment to treat Mr. Chen's

periodontitis, clean his teeth, and make dentures for him. This was the first time Taipei Prison had ever allowed an inmate to designate outside doctors for treatment at his own expense.

- (5) Allowing Mr. Chen to receive guests, engage in correspondence, and contribute articles to publications
 - i. As a Level IV prisoner, Mr. Chen strictly speaking should be allowed to meet and correspond only with his relatives, and only once a week. However, considering Mr. Chen's need to maintain contact with his relatives, friends, supporters, and the community at large, Taipei Prison grants his applications for ordinary visits, additional visits, special visits (face-to-face without the use of an isolation window, and with time extensions allowed, if necessary), and telephone visits. Since starting his sentence in 2010, Mr. Chen has received 297 visits from 746 visitors, as follows:

Guests received at Taipei Prison

Time	Type	Number of occasions	Number of people
2010 (2010.12.02-2010.12.31)	Special visits	5	16
	Additional visits	4	5
	Ordinary visits	4	5
	Telephone visits	1	1
	Subtotal	14	27
2011 (2011.01.01-2011.12.31)	Special visits	59	172
	Additional visits	50	192
	Ordinary visits	43	52
	Telephone visits	2	2
	Subtotal	154	418
2012 (as of 2012.07.31)	Special visits	57	145
	Additional visits	30	108
	Ordinary visits	24	30
	Telephone visits	18	18
	Subtotal	129	301
Total		297	746

Note: Thirty minutes is allotted for special visits, which may be extended as needed. Twenty minutes is allotted for ordinary visits, additional visits, and telephone visits.

Guests received by Mr. Chen at the Taipei Detention Center

Time	Type	Number of Times	Number of People
2008 (2008.11.12-2008.12.12)	Ordinary visits	447	810
(2008.12.30-2008.12.31)			
2009 (2009.01.01-2009.12.31)	Special visits	126	307
2010 (2010.01.01-2010.12.02)	Additional visits	9	14
Total		582	1,131

- ii. Since Mr. Chen started to serve his sentence in Taipei Prison on December 2, 2010, he has been permitted extra postings on 29 occasions and received letters on 1,570 occasions, as follows:

Mailing activity while in Taipei Prison

Year Type	2010	2011	2012	Subtotal
Ordinary postings	6	56	33	95
Extra postings	3	16	10	29
Letters received	294	985	291	1,570

Mailing activity while in Taipei Detention Center

Time	Type	Subtotal
2008 (2008.11.12-2008.12.12) (2008.12.30-2008.12.31)	Letters sent	317
2009 (2009.01.01-2009.12.31)	Letters received	3,269
2010 (2010.01.01-2010.12.02)		
Total		3,586

- iii. Ordinary inmates may contribute articles to newspapers and magazines so long as they don't affect the prison's discipline or reputation, but are not allowed to publish op-ed pieces. However, Taipei Prison allows Mr. Chen to contribute both articles and op-ed pieces to newspapers and magazines. As of July 31, 2012, Mr. Chen had contributed 63 op-ed pieces to Next Magazine, 57 of which were published. For each of these op-ed pieces, Mr. Chen received remuneration of NT\$20,000. He had also made 60 submissions to Taiwan News and one submission to Formosa News (compensation unknown).

Manuscripts contributed while in Taipei Prison

Year Media outlet	2010	2011	2012	Subtotal
<i>Next Magazine</i>	0	32	31	63
<i>Taiwan Times</i>	2	53	5	60
<i>Formosa News</i>	0	0	1	1

(6) Attending funerals of family members

Ordinary inmates must wear instruments of restraint when attending the funerals of family members, and can stay for no more than an hour. Taipei Prison, however, out of consideration for Taiwanese customs and the family's wishes, arranged for Mr. Chen to attend a traditional mourning ceremony for his mother-in-law, who passed away after an illness. The ceremony took place at a funeral parlor in the Mortuary Services Office of Xinying District, Tainan City, between 9 and 11 in the morning of January 6, 2012, and no time limit was set for Mr. Chen at the funeral.

(7) Instruments of restraint not required

Ordinary inmates must wear instruments of restraint at all times when released from prison under guarded escort to visit relatives, attend funerals, or receive outside medical treatment. Out of respect for the former head of state, however, Mr. Chen is not required to do so.

(8) Prison guards carefully selected

The prison guards responsible for Mr. Chen are carefully selected for their good moral character, personal integrity, and positive work ethic. They are required to converse frequently with Chen each day, exercise with him, and provide necessary care and attention. They are different from other guards, who are more concerned with maintaining order.

(9) Performing prison work

Ordinary inmates are required to work in a prison workshop (engaged in manufacturing). Each workshop accommodates 150 to 200 people, meaning that space is limited. To keep Mr. Chen safe from other inmates, who may have close ties to a particular political party or faction, harbor strong political views, or otherwise think differently than Mr. Chen, he does not actually work in a workshop. Moreover, Mr. Chen frequently receives guests (297 visits with 746 people since his imprisonment in December 2010, as listed above), which would be very disruptive to the workshops. Instead, Mr. Chen is permitted to stay in his cell to perform simple tasks if he wishes.

(10) Out of respect for the former head of state, Mr. Chen enjoys far better treatment than ordinary inmates, as shown in the following chart:

<div>Inmates</div> <div>Item</div>	Ordinary inmates	Mr. Chen
Cell facilities	Each cell has a window that lets in light, and is equipped with an electric fan, an exhaust fan, a lamp, a faucet, and a squat toilet.	The same.
Workshop duties	Mandatory. Each workshop accommodates 150-200 people.	Simple duties. Out of consideration for his personal safety, Mr. Chen is not required to perform duties in a workshop. This prevents inappropriate acts from occurring, such as sudden attacks by inmates with different ideologies or political views. Also, Mr. Chen receives many ordinary, additional, and special visits (297 visits with 746 people since his imprisonment in December 2010), which would be disruptive to a workshop. Instead, Mr. Chen is permitted to stay in his cell to perform simple tasks if he so desires.
Cell size	On average, each inmate has the use of 1.29 square meters of space. 2-3 person cells are 4.56 square meters. 7-8 person cells are 13.58	Mr. Chen has the use of 9.12-square-meters. His cell, which he shares with one other inmate, is 4.56 square meters in size. He also has another 4.56

Item \ Inmates	Ordinary inmates	Mr. Chen
	<p>square meters.</p> <p>18-20 person cells are 21.61 square meters. (As of August 2, 2012, Taipei Prison was home to 4,154 people. The current total floor area of all the cells and workshops combined is 5,342 square meters. Each person therefore has 1.29 square meters on average).</p>	<p>square meters for his own personal use. The 9.12-square-meters available to him is thus around seven times more than the 1.29 square meter average for other inmates.</p>
Desks and chairs	None.	<p>Mr. Chen has the use of another 4.56 square meter room across from his cell, in which there are a desk and chair. Mr. Chen can work, eat, read, and write there on weekdays from 9:00 a.m. to 12:30 p.m. and again from 2:00 p.m. to 4:30 p.m. (six hours in total).</p>
Medical care	<p>After filing a request, inmates can see doctors hired by the prison, at either the public's or their own expense.</p>	<ol style="list-style-type: none"> 1. Mr. Chen's blood pressure and pulse are taken daily as reference for medical staff treating him. 2. In addition to the doctors hired by the prison, Taoyuan General Hospital and Chang Gung Memorial Hospital at Linkou have also sent specialist doctors to the prison to provide Mr. Chen with treatment. 3. Mr. Chen has friends in medical circles who have

<div>Inmates</div> <div>Item</div>	Ordinary inmates	Mr. Chen
		<p>on many occasions been allowed to go to the prison as special visitors to show their concern for Mr. Chen and understand his medical condition.</p>
Hiring medical professionals at personal expense	<p>The prison can arrange for doctors from private medical institutions to treat inmates at the prison. However, inmates cannot choose which specific doctor comes, and must pay expenses themselves. To date, no requests by ordinary inmates to have a specific doctor treat them at the prison have ever been approved.</p>	<p>The prison has permitted Mr. Chen to appoint two doctors of his choice:</p> <p>(1) Dr. Chao Chien-ming (Mr. Chen's son-in-law) from Sinlau Hospital in Tainan provided treatment at the prison. Dr. Chao diagnosed Mr. Chen as having degenerative arthritis in his right knee, and as needing hyaluronic acid injections to lubricate the joint. Dr. Chao gave him two injections in his right knee.</p> <p>(2) Dentist Chen Hsing-yu (Chen's daughter), from Y.C. Dental Clinic, treated Mr. Chen at the prison for periodontitis, and helped clean his teeth and make dentures. This is the first ever instance of an inmate being able to send for a specific doctor at his own expense.</p>
Medical examinations outside prison	<p>1. Upon recommendation by prison physicians and when necessary, an ordinary inmate may</p>	<p>1. To safeguard Mr. Chen's health, he was escorted under guard to Taoyuan General Hospital for</p>

<div>Inmates</div> <div>Item</div>	Ordinary inmates	Mr. Chen
	<p>receive outside medical treatment under guarded escort. No referral to another hospital is allowed unless deemed necessary by doctors.</p> <p>2. If deemed necessary by the prison, family members may accompany the inmate for treatment. There is no precedent for accompaniment by anyone other than a family member.</p>	<p>examination. But because Mr. Chen did not trust the quality of medical services at that hospital, arrangements were made to transfer him to Chang Gung Memorial Hospital at Linkou to meet his needs.</p> <p>2. Mr. Chen was accompanied by family members and physician friends for the examination and diagnosis briefing in order to alleviate his anxiety about his afflictions.</p>
Duration of exercise	In principle, 30 minutes of outdoor exercise is allowed on normal days, but is not possible on rainy days.	Since May 10 2012, at least 1 hour of outdoor exercise has been allowed on normal weather days—twice the amount of time granted to other inmates. It takes place indoors on rainy days.

<div>Item</div> <div>Inmates</div>	Ordinary inmates	Mr. Chen
Posting and receiving letters (for progressive penalization Level IV inmates, like Mr. Chen)	<ol style="list-style-type: none"> 1. Inmates are allowed to post letters once a week, only to family and closest relatives. 2. There is no limit on the number of letters that may be received. 	<ol style="list-style-type: none"> 1. In principle, Mr. Chen may post letters only once a week; but if he needs to do so more often, extra postings are approved. From the start of his imprisonment to July 31 2012, Chen has posted letters 124 times, and approval for additional postings has been granted 29 times. 2. There is no limit on the number of letters that may be received.
Visits (based on Mr. Chen being a progressive penalization Level IV inmate)	Visits are arranged once a week. Inmates are only allowed to receive immediate family and close relatives.	Taking into consideration the necessity for Mr. Chen to remain in touch with family, friends, supporters, and the community at large, the prison has been lenient regarding who Chen may meet during ordinary, additional, and special visits, and how often he may meet them. From Chen's imprisonment to July 31 2012, he has received 297 visits (205 more than the limit set out in regulations).
Telephone visits	Application for a telephone visit may only be made for special reasons, and prison authorities must deem it necessary before granting	Taking into consideration the health of Chen's wife (Wu Shu-chen) and mother (Chen Lee Shen), Mr. Chen's applications for telephone

Item \ Inmates	Ordinary inmates	Mr. Chen
	permission.	visits have been leniently granted. During the period from Chen's imprisonment to July 31 2012, he has received 21 telephone visits.
Manuscript submissions	Inmates are allowed to submit manuscripts to newspapers or magazines as long as it doesn't affect the prison's discipline or reputation. However, they are not allowed to submit op-ed pieces.	From Mr. Chen's imprisonment to July 31 2012, he has been permitted to submit 63 op-ed pieces to <i>Next Magazine</i> , of which 57 were published, earning Chen NT\$20 thousand per piece. Mr. Chen has also contributed 60 manuscripts to the <i>Taiwan Times</i> (remuneration unknown), and one manuscript to the <i>Formosa News</i> website.
Home leave to attend a funeral	Inmate applications for home leave to attend a funeral are granted, but they must return to prison immediately after paying their respects to the deceased and having a last look. This usually takes place in less than an hour.	Chen attended his mother-in-law's 7 th -day rite at the funeral parlor of Mortuary Services Office, Sinying District, Tainan City on the morning of January 6, 2012. He stayed two hours and took part in sutra reciting and funeral oration reading.
Use of instruments of restraint	In principle, an instrument of restraint is utilized throughout the entire time when receiving outside medical treatment under guarded escort, or when attending a funeral.	To convey due respect to Mr. Chen as a former head of state, no instrument of restraint was used while he was receiving outside medical treatment under guarded escort, or when he attended a funeral.

III. Responses to questions regarding Mr. Chen's imprisonment

1. Did Mr. Chen's imprisonment cause him to attempt suicide?

A:

- (1) The results of an investigation indicate that Mr. Chen follows a normal routine and has no motive to commit suicide, nor has he attempted it.

Taipei Prison closely monitors the health and daily routine of Mr. Chen 24 hours a day. He currently maintains a normal routine with no indication of irregularity. When asked by prison officials about media reports that he had shown suicidal behavior, Mr. Chen stated that he had engaged in three hunger strikes while at the Taipei Detention Center, but had absolutely no intention of attempting suicide at Taipei Prison.

- (2) What were the circumstances surrounding Mr. Chen's three hunger strikes to appeal his detention? How did the Taipei Detention Center respond?

- i. Mr. Chen published ten primary reasons for his hunger strike after he reported to the Detention Center on November 12, 2008. He began his first hunger strike to protest judicial unfairness. On November 17, when a medical checkup revealed irregularities in his electrocardiogram (ECG), Mr. Chen was escorted under guard to Far Eastern Memorial Hospital. He was released from the hospital and returned to the Detention Center on November 19. On November 24, he started taking rice gruel. The hunger strike lasted 14 days.
- ii. Believing that the Special Investigation Division officers had colluded to frame him with fabricated evidence, Chen started his second hunger strike on February 20, 2009. The strike lasted four days until Chen received a special visit from his wife Wu Shu-chen on February 23.
- iii. Chen started his third strike on May 7, 2009 to protest the Taipei District Court's decision to extend his detention. On May 9, he showed signs of dehydration, and was sent to the Banciao Branch of

Taipei County Hospital (now New Taipei City Hospital) for examination and diagnosis. He was released and returned to the Detention Center on May 12, and started taking congee soup on May 14. The strike lasted for eight days.

Taipei Detention Center formulated a medical treatment process for food refusal, and took cautious and comprehensive response measures during the aforementioned hunger strikes. Details are provided in Appendix One.

2. Has Chen's health deteriorated? Has he been taking psychiatric medications?

A:

Mr. Chen has been professionally examined and diagnosed on multiple occasions using advanced medical equipment at Taoyuan General Hospital and Chang Gung Memorial Hospital at Linkou, and medical officers at Taipei Prison have observed his activities on a daily basis. No major mental or physical irregularities have been spotted. He is currently taking medicines prescribed by Chang Gung Memorial Hospital at Linkou, but these include no psychiatric medications. As for the conclusions reached by a US delegation of human rights doctors concerning Mr. Chen's health, these were based on their conservations with Mr. Chen or their personal observations, and were not backed by examinations made using medical equipment, or by thorough medical diagnosis. One can hardly conclude with certainty on the basis of such personal opinions that Mr. Chen is suffering from any serious illness.

3. Why doesn't the prison provide a bed for each inmate and improve the space arrangement of Mr. Chen's prison cell?

A: Because the prison is currently overcrowded.

- (1) Correctional institutions under the MOJ Agency of Corrections have long been taking on more inmates than they can accommodate. The required living space for each inmate is about 2.3 square meters, but the actual living space is less than 1.3 square meters) due to inmate overcrowding.
- (2) In order to solve the problem of inmate overcrowding, the MOJ Agency of Corrections has been actively promoting the expansion,

relocation, and refurbishing of correctional institutions to boost capacity and provide more living space for inmates. However, due to limited government funds, the difficulty of procuring land on which to build new correctional institutions, and protests by residents living around the chosen locations, it is hard to increase the amount of living space available per inmate.

- (3) Taipei Prison had 4,154 inmates as of August 2, 2012. Its cells and workshops together occupy about 5,342 square meters, for an average of only about 1.29 square meters per inmate. In order to make use of the existing space efficiently, the prison can only provide bedding for inmates to sleep on the wooden floor. The cell space of each individual inmate is not enough for a bed, desk, or chair. Therefore, if Mr. Chen's cell were furnished with a bunk bed, the cell space for other inmates would be even further reduced.
- (4) To improve Mr. Chen's living space, the prison prepared a desk and chair in the vacant cell across from Chen's cell. Altogether, the space set aside for his use is about 9.12 square meters, almost seven times more than the 1.29 square meters granted to other inmates.

4. Why does Mr. Chen not work in a workshop?

A:

- (1) For the sake of Mr. Chen's personal safety, he is allowed to work on simple projects in his own cell as he wishes. This approach prevents sudden threats to his physical safety and dignity that might be posed by other inmates who have close ties to a particular political party or faction, harbor strong political views, or otherwise think differently than Mr. Chen.
- (2) Over 100 inmates work in a workshop. If Mr. Chen worked in a workshop, he would be subjected to the inconvenience of taking turns to shower and use the toilet.
- (3) Mr. Chen receives visits frequently, and they last for a long time. If he did ordinary workshop work, it would affect workshop management.
- (4) Inmates taking part in workshop work cannot leave their designated seats without approval. Mr. Chen is currently provided with another work cell where he can read, work, dine, or rest as he chooses.

IV. In light of Mr. Chen's current health issues, is he qualified to be released on bond for medical treatment?

1. Since entering prison, Mr. Chen has complained about severe headaches, chest discomfort, chest pain, fatigue, a change in bowel habits, and shortness of breath. In response to his complaints, Taipei Prison has made arrangements for him to be seen in prison by contracted doctors as well as specialists from Taoyuan General Hospital. His health is stable.
2. This February, Mr. Chen complained of fatigue and a change in bowel habits. In response, Taipei Prison arranged four in-prison doctor visits and one fecal occult blood test. On February 24, 2012, Mr. Chen filed his first application in writing for escorted medical treatment. Taking Mr. Chen's health condition very seriously, Taipei Prison made an appointment for him with contracted doctors of the prison on February 29, right after the long weekend holiday (February 25-28). In addition, Taipei Prison had gastroenterologists/hepatologists from Taoyuan General Hospital conduct a basic checkup for Mr. Chen on March 2. The doctors determined that a more detailed medical examination would be needed. In response, Taipei Prison immediately arranged for Mr. Chen to receive an outside medical examination under guarded escort.
3. On March 7, 2012, Mr. Chen was escorted to Taoyuan General Hospital for a more thorough examination, including a prostate ultrasound, a liver ultrasound, a heart ultrasound, an electrocardiogram (ECG), a colonoscopy, a gastroendoscopy, a nuclear cardiology test, a blood test, and a urine test. At this stage, the only symptoms found were constriction of a coronary artery and a tumor in his urinary tract. A cardiac catheterization was carried out the next day, confirming that Mr. Chen was born with a narrow left coronary artery. Nevertheless, his condition was not yet serious enough to warrant the insertion of a balloon or stent to expand the partially blocked artery. Instead, medication was prescribed for the condition. As Mr. Chen was still feeling short of breath on occasion, the doctors kept him at the hospital for observation.

4. During Mr. Chen's escorted stay at the hospital, symptoms of atelectasis (the collapse of alveoli) were found in the lower part of his right lung on March 12, 2012. On the next day, he complained about a headache. In response, Taoyuan General Hospital ordered a bronchoscopy and a CT scan of the brain, yet found nothing unusual. On the morning of March 13, 2012, the medical team of Taoyuan General Hospital informed the prison that Mr. Chen could be discharged from the hospital. Taipei Prison, following the advice of Mr. Chen's doctors, discharged him from the hospital and made another appointment for him in six weeks' time.
5. After Mr. Chen returned to prison on March 13, 2012, he continued to complain about shortness of breath. Subsequently, Taipei Prison arranged three in-prison doctor visits by specialists from Taoyuan General Hospital, and another thorough examination was performed when he returned to the hospital for his scheduled appointment of April 23. Mr. Chen was given an X-ray, but the doctors found nothing out of the ordinary and determined that his lungs were functioning normally. However, another lump was discovered following a second urology exam. The doctors of Taoyuan General Hospital then recommended that Mr. Chen suspend his anticoagulant medication for 10-14 days so that they could conduct a biopsy on the lump. Later, on May 8, 2012, doctors from the hospital visited Mr. Chen in prison to explain what the biopsy would entail, and to ask him to sign an informed consent form. However, Mr. Chen said he had reservations about the results of the checkups performed at Taoyuan General Hospital, and refused to undergo a biopsy or operation at that hospital. To be on the safe side, and in consideration of Mr. Chen's need for medical treatment, Taipei Prison requested that Chang Gung Memorial Hospital at Linkou, another contracted hospital of the prison, provide Mr. Chen medical treatment.
6. Mr. Chen's medical treatment at Chang Gung Memorial Hospital at Linkou:
 - (1) Mr. Chen was escorted to Chang Gung Memorial Hospital at Linkou for further medical treatment on May 23. He then underwent a series of examinations, including a 640-slice CT scan, MRI scans of his urinary system and his knee joints, a heart ultrasound, a lower

extremity vascular ultrasound, an orthopedic exam, a kidney exam, a prostate exam, and a gastrointestinal exam.

- (2) After all examinations were carried out, Dr. Yeh San-jou and Dr. Chang Phei-lang, deputy superintendents of Chang Gung Memorial Hospital at Linkou, as well as other 14 doctors from the cardiology, orthopedics, nephrology, urology, radiology, and gastroenterology departments, briefed Mr. Chen, his son, and two of his friends (Dr. Ko Wen-che and Dr. Kuo Cheng-Deng) on the condition of his health. According to the hospital's medical reports, Mr. Chen was diagnosed as having benign enlargement of the prostate, hematoma in his right seminal vesicle, high cholesterol levels, arteriosclerosis, gastroesophageal reflux disease, mild degenerative arthritis of the knee, and patellar tendinitis in his right knee.
7. Since his checkups at Chang Gung Memorial Hospital at Linkou on May 23, 2012, Mr. Chen has been receiving medication. He has also been scheduled to return to the hospital for a three-month follow-up examination, as per the doctors' orders. At this point in time, Mr. Chen's health is considered stable.
8. According to Article 58 of the Prison Act, if an inmate suffers from a disease that cannot be properly treated in prison, he/she may be escorted to a hospital or transferred to a cell for ill prisoners so as to receive better medical treatment, as deemed necessary by prison authorities. Prison authorities can also apply to the MOJ Agency of Corrections to have an inmate released on bond for medical treatment. Thus far, 22 inmates from Taipei Prison have received medical treatment while released on bond (see Appendix II). All of them were suffering from severe health issues that could not be appropriately treated in prison. The checkups and described above show that Mr. Chen only needs medication and ongoing follow-up examinations. Therefore, Taipei Prison deems that, based on the provisions of Article 58 of the Prison Act regarding medical treatment while being released on bond, Mr. Chen does not qualify to be released on bond to seek medical treatment.

V. Conclusion

The MOJ Agency of Corrections has closely monitored all aspects of Mr. Chen's life in prison, including his physical and mental health, with the aim of maintaining social harmony and reducing political controversies. However, Article 2 of the Prison Act requires an inmate to serve his sentence in prison. Therefore, Mr. Chen should not have the privilege of serving his sentence outside prison.

In its treatment of Mr. Chen, Taipei Prison has not in any way contravened the spirit of Paragraph 1 of Article 10 of the International Covenant on Civil and Political Rights, which states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Appendix I: Sequence of events during Mr. Chen's hunger strike

Mr. Chen started hunger strike.



Prison staff advised and encouraged Mr. Chen to eat and drink. Mr. Chen's attorney was also asked to urge him to end his hunger strike.



Mr. Chen refused to end hunger strike.



Doctors were sent to the prison to treat Mr. Chen and check his vital signs – blood pressure, pulse, temperature, and blood sugar – at least once a day.



Mr. Chen's condition remained stable and he was kept under observation. Mr. Chen was given an explanation of the impact of the hunger strike on his health.



Mr. Chen qualified for treatment in a hospital outside the prison under guarded escort. The Taipei Prison immediately made arrangements for him to be sent to Far East Memorial Hospital, and reported the matter by telephone to the Ministry of Justice, as well as the court and prosecutor's office involved in Mr. Chen's case.



Before Mr. Chen was driven to the hospital under guarded escort, prison staff contacted Far East Memorial Hospital for details on the route from the prison to the hospital. Prison staff also submitted a request for police and agents from the National Security Bureau's Special Service Center (SSC) to provide security en route to the hospital.



It was determined that Mr. Chen had to be transferred to another hospital through the Emergency Medical Services System (EMSS). Priority was given to National Taiwan University Hospital and Veterans General Hospital. If possible, Mr. Chen was to stay in a single room or other special room, with Mr. Chen agreeing to pay the price difference versus a shared room.

It was determined that Mr. Chen had to be hospitalized so that he could be force fed. If possible, Mr. Chen was to stay in a single room or other special room, with Mr. Chen agreeing to pay the price difference versus a shared room.

Following treatment, all of Mr. Chen's vital signs returned to normal, and Mr. Chen was sent back to prison with the doctor's permission.



The Taipei Prison was in charge of security within the hospital ward where Mr. Chen was treated, while the police and SSC agents were responsible for security outside the ward.

Appendix II: List of Taipei Prison inmates who have received medical treatment outside prison on bonded release

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
1	Lin	Hypoxic encephalopathy	Robbery	10 years	March 21, 1995	5 years, 10 months, 10 days	Received medical treatment on bonded release from the Taoyuan Branch of Taipei Prison	Care Center for Patients with PVS, Genesis Social Welfare Foundation, 142 Heping Rd., Hsinchu City	Allowed to post bond again
2	Wu	Chronic cerebral stroke and right hemiplegia, bronchial pneumonia, and aphasia	Fraud	4 years and 8 months	June 4, 2008	4 years, 2 months, 6 days	Fa Jiao Zi No.0970019504; May 30, 2008	Taipei City Hospital (Zhongxiao Branch)	Allowed to post bond again
3	Gu	Rupture of cerebral aneurysms and intracranial hemorrhage	Counterfeiting currency	14 years and 4 months	December 29, 2008	10 years, 2 months, 9 days	Fa Jiao Zi No.0970049036; December 26, 2008	Cathay General Hospital	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
4	Guo	Pneumonia, respiratory failure, and hypertension	Embezzlement	9 months	January 15, 2009	8 months	Fa Jiao Zi No.0980001524; January 14, 2009	NTU Hospital	Allowed to post bond again
5	Cheng	Unconsciousness, suspected to be caused by ischemic encephalopathy and hypokalemia	Embezzlement	2 years and 6 months	September 29, 2009	2 years, 5 months, 7 days	Emergency medical treatment on September 29, 2009; Fa Jiao Zi No.0980042282; October 12, 2009	Pojen General Hospital	Allowed to post bond again
6	Zhang	Malignant tumor on the right cheek	Attempted homicide	5 years, 4 months, 15 days	December 31, 2009	4 years, 3 months, 25 days	Fa Jiao Zi No.0980051131; December 31, 2009	Chang Gung Memorial Hospital	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
7	Lin	Hypoxic encephalopathy, type 2 diabetes, and hypertension	Indecent assault	2 years	March 25, 2010	1 year and 4 months	Fa Jiao Zi No.0999009594; March 8, 2010	Taoyuan General Hospital and Anhsin Elders Care Center	Allowed to post bond again
8	Su	Spontaneous intracranial and intraventricular hemorrhage, respiratory failure, diabetes, and hypertension	Fraud	4 years and 6 months	May 28, 2010	1 year, 10 months, 11 days	Fa Jiao Zi No.0999022897; May 24, 2010	Hsin-Tai General Hospital	Allowed to post bond again
9	Yin	Bronchitis and malignant tumor in lung (Phase III)	Extortion	8 months	May 18, 2010	5 months	Fa Jiao Zi No.0999021534; May 24, 2010	Chang Gung Memorial Hospital at Linkou	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
10	Chen	Leukoaraiosis and inability to look after himself	Domestic violence	1 year	November 17, 2010	3 months and 27 days	Fa Jiao Zi No.0999038321; September 2, 2010	Care Center for the Physical and Mental Disabled in Yunlin County, Hsinan Hospital	Allowed to post bond again
11	Sun	Hypoglycemia encephalopathy, diabetes, hypertension, unconsciousness and inability to look after himself	Driving under the influence	4 months	January 5, 2011	2 months and 2 days	Fa Jiao Zi No.0999056441; December 22, 2010	Fuhsiang Care Center	Allowed to post bond again
12	Lin	Right cerebral ischemic stroke	Forgery	1 year and 9 months	April 26, 2011	1 year, 2 months, 2 days	Fa Shuo Jiao Zi No.1000105789; April 22, 2011	Cheng Hsin General Hospital	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
13	Du	Testicular cancer (Phase IV)	Sexual assault	3 years and 2 months	October 17, 2011	1 year, 1 month, 16 days	Fa Shuo Jiao Zi No.1000126299; October 14, 2011	NTU Hospital	Allowed to post bond again
14	Yang	Pneumonia and respiratory failure, chronic renal failure, and viral hepatitis C	Embezzlement	2 years and 6 months	November 4, 2011	1 year, 6 months, 16 days	Fa Shuo Jiao Zi No.1000129310; November 15, 2011	Taoyuan General Hospital	Allowed to post bond again
15	Zhang	Nasopharyngeal carcinoma (Phase IV)	Robbery	8 years	February 1, 2012	4 years, 8 months, 26 days	Fa Shuo Jiao Zi No.1010102608; January 19, 2012	Taoyuan General Hospital	Allowed to post bond again
16	Lin	Myocardial infarction caused by coronary heart disease and cardiogenic shock	Fraud	6 months	February 4, 2012	1 month and 7 days	Fa Shuo Jiao Zi No.1010105019; February 21, 2012	Saint Paul's Hospital; later transferred to National Cheng Gung University Hospital	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
17	Hung	Cerebral hemorrhage	Sexual assault	3 years	March 5, 2012	2 years, 11 months, 11 days	Fa Shuo Jiao Zi No.1010107619; March 16, 2012	Taipei Veterans General Hospital	Allowed to post bond again
18	Su	Respiratory failure caused by sepsis, influenza A infection, and acute exacerbation of chronic obstructive pulmonary disease	Counterfeiting securities	6 years and 2 months	June 19, 2012	3 years, 5 months, 7 days	Fa Shuo Jiao Zi No.1010112847; June 25, 2012	Taoyuan General Hospital	Allowed to post bond again
19	Chen	Malignant tumor of the esophagus, with bone metastasis	Fraud	10 years and 9 months	June 26, 2012	9 years, 8 months, 12 days	Fa Shuo Jiao Zi No.10101127590; June 22, 2012	Tri-Service General Hospital	Allowed to post bond again

No.	Surname	Medical condition	Convicted for	Sentence	Posted bond on	Remaining sentence	Number and date of first approval letter	Hospital	Comments
20	Tang	Stomach cancer with intra-abdominal metastases (Phase III), and anemia	Burglary	2 years	July 25, 2012	1 year, 5 months, 14 days	Fa Shuo Jiao Zi No.10101139830; July 20, 2012	Taoyuan General Hospital	Posted bond for medical treatment in July 2012
21	Huang	Arrhythmia, heart failure, and type 2 diabetes	Breach of trust	2 years and 6 months	July 27, 2012	1 year, 9 months, 10 days	Fa Shuo Jiao Zi No.10101133590; July 13, 2012	St. Martin de Porres Hospital	Posted bond for medical treatment in July 2012
22	Li	Malignant tumor in right kidney with lung and bone metastases, diagnosed as cancer in the terminal phase	Robbery	7 years and 4 months	May 4, 2012	2 years, 6 months, 20 days	Fa Shuo Jiao Zi No.1010110111; May 3, 2012	Chang Gung Memorial Hospital at Linkou	Allowed to post bond again

