

伸張正義？

—戰後引渡逃匿澳門漢奸（1945-1948）

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摘要

探討二次大戰後中國的漢奸問題，極易將焦點放在漢奸審判上；然而對引渡逃往境外避禍的漢奸罪嫌一事，卻是少人提及的。懲處漢奸對國民政府而言，有其重建國家民族正義的必要性，也因此，縱使罪嫌避居境外，仍須努力尋求引渡方式，緝捕罪嫌回國受審。由於罪嫌身在國外，如何引渡、當地國如何仲裁罪嫌的身分和罪行、以及當地國同意引渡的標準，在在比逮捕境內漢奸罪嫌、交付送審來得複雜。進行此一議題的研究，可以探索戰後中國如何應對外國力量，以求完成引渡漢奸罪嫌工作；在雙方折衝擱阻的過程中，懲處漢奸的本意是否得以執行，抑或打了折扣？而審判結果是否伸張國民政府原意獲得的民族正義，實值得深究。

若從戰後中國引渡逃匿他國漢奸的角度，切入檢討重建國家正義，那麼戰後中國與葡、澳政府協商引渡逃匿漢奸，應該是極具研討價值的案例。因為澳門於戰爭期間保持中立，與日本妥協，態度自與其他淪陷地區不同，且戰後國民政府又未能順利收回，使引渡漢奸過程更加錯綜複雜。

在中國與葡、澳政府磋商引渡漢奸過程中，突顯國府內部的職權衝突和國府能力的侷限，在外交和政治運作的妥協下，匿澳漢奸的審判已非司法問題，加上澳府人員名為配合中國逮捕漢奸罪嫌，實則藉機斂財，更扭曲了引渡漢奸的意義。在此情況下，引渡成功的罪嫌，也多為無錢無勢的小民，與國府欲藉懲處漢奸伸張正義的本意，恐怕是大相逕庭的。

關鍵詞：漢奸、引渡、張發奎、澳門、廣東、葡萄牙。

Justice Served? —Postwar Extradition of Traitors from Macao by the Nationalist Government, 1945-1948

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Abstract

After World War II a number of Chinese who had served in the puppet regime of Guangdong or had assisted the Japanese during the war escaped to nearby Macao in fear of being punished by the Nationalist Government. They thought they might be safe because Macao was controlled by Portugal. However, the Nationalist Government was determined to put these traitors on trial so as to rebuild its authority among the Chinese. General Chang Fa-kuei, who was the military leader of postwar Guangdong, asked the Ministry of Foreign Affairs for help in extraditing the escapees.

The colonial government of Macao was not cooperative. It disagreed with the charges made by the Nationalist Government, and it was reluctant to return those suspects who had friendly relationships with Macao or Portugal. Moreover, some Macao policemen took the opportunity to extort bribes from the escapees in exchange for protection. The Nationalist Government could not control the situation. In the end General Chang extradited only those suspects who were either nobodies or had no money to bribe the police. The High Court of Guangdong set most of them free after trial.

The extradition of wartime traitors from Macao proved to be a futile effort. Despite a great deal of judicial and diplomatic work, the Nationalist Government failed to bring those who were guilty to justice. This experience further revealed the problems confronted by postwar China.

Keywords: Traitor, Extradition, Chang Fa-kuei, Macao, Guangdong, Portugal.