

Chapter 7

Taiwan New Taipei District Prosecutors Office

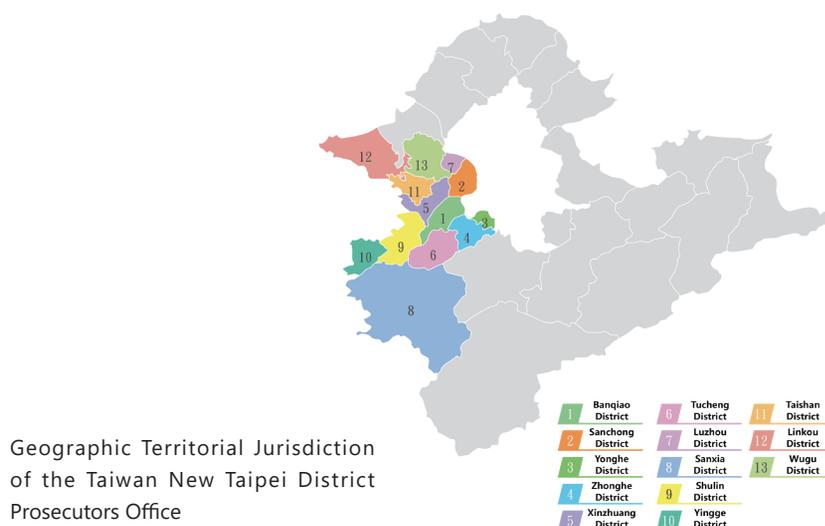


Section 1 Historical Overview

The Office, established on February 16, 1981, was initially named the Prosecution Department under the Banciao Branch of the Taiwan Taipei District Court.

On December 24, 1989, the Prosecution Department was renamed the Prosecutors Office as per the system change; hence, the above establishment was renamed the Prosecutors Office under the Banciao Branch of the Taiwan Taipei District Court in conjunction with the amendment of the Court Organization Act. On April 2, 1990, it was renamed the Taiwan Banciao District Court Prosecutors Office. On January 1, 2013, as per the change of the court name, the establishment was renamed the Taiwan New Taipei District Court Prosecutors Office. On May 25, 2018, this establishment was again renamed the Taiwan New Taipei District Prosecutors Office, where the wording of "Court" from its organizational name was taken away, in conjunction with the amendment of the Court Organization Act.

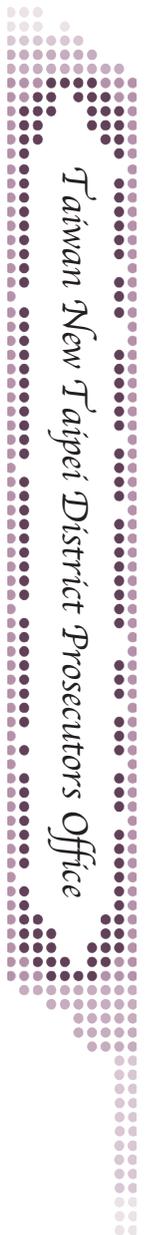
Section 2 Territorial Jurisdiction



Section 3 Office Buildings

As the number of cases and working staff increase over the years, the original office was no longer sufficient. In order to alleviate the congestion, the following improvements had been made:

- I. In July 1985, a three-story building (i.e. the Administrative Building) was planned to be built, under negotiation with the Taiwan Banciao District Court, and was completed and put to use in December 1986. 1985 before the office was relocated there in May, 1985.
- II. In 1989, the fourth floor on top of the existing Administrative Building was added to the west side of the building.
- III. In the 1990s, plans were made to construct an Investigation Building with two floors underground and six floors above ground in the open space next to the office building near Jincheng Road.
- IV. In 2001, an area of 370 pings (1,223 m²) on the fourth floor of the office building at No. 208, Section 3, Zhongyang Road, Tucheng City, Taipei County was leased as the archives room.
- V. On April 21, 2005, the first and second floors of No. 56, Section 1, Jincheng Road, Tucheng City, Taipei County (restructured to Tucheng District, New Taipei City as of December 25, 2010) were leased as the second office for use by the Probation Officers.
- VI. In September 2011, an area of 430 pings (1,421 m²) on the fourth floor of No. 152, Qingyun Road, Tucheng District, New Taipei City was leased as the third office, with seven interrogation rooms, for use by the Prosecutors, Clerks, and Prosecutors Investigator of the public prosecution team.

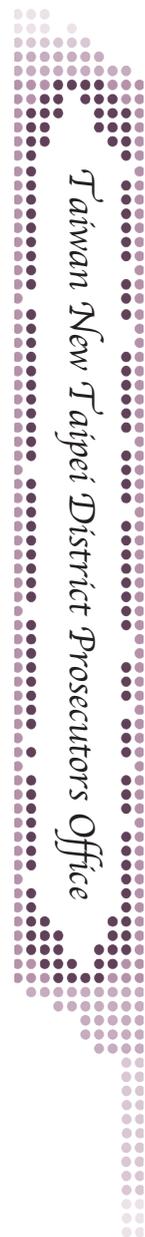


Section 4 List of Former Chief Prosecutors

Precedence in office	Title	Name	Period in office	Notes
1	Leading Prosecutor	Li,Kuang-Hua	1980/12/29~1984/07/19	
2	Leading Prosecutor	Chang,Shun-Chi	1984/07/19~1990/02	
3	Chief Prosecutor	Lu,Jen-Fa	1990/02~1992/05/18	
4	Chief Prosecutor	Wu,Ying-Chao	1992/05/23~1993/07/31	
5	Chief Prosecutor	Cheng,Tseng-Tung	1993/07/31~1996/01/16	
6	Chief Prosecutor	Lin,Chieh-Te	1996/01/16~1997/08/05	
7	Chief Prosecutor	Yeh,Chin-Pao	1997/08/05~2000/06/27	
8	Chief Prosecutor	Chen,Feng-Chi	2000/06/27~2001/04/27	
9	Chief Prosecutor	Yang,Sen-Tu	2001/04/27~2003/07/31	
10	Chief Prosecutor	Ling,Po-Chih	2003/07/31~2005/03/16	
11	Chief Prosecutor	Hsieh,Jung-Sheng	2005/03/16~2008/08/01	
12	Chief Prosecutor	Wu,Shen-Chih	2008/08/01~2010/07/28	
13	Chief Prosecutor	Tsai,Pi-Yu	2010/07/28~2013/10/02	
Acting	Chief Prosecutor	Li,Hai-Lung	2013/10/02~2014/05/27	
14	Chief Prosecutor	Chou,Chih-Jung	2014/05/27~2016/07/18	
15	Chief Prosecutor	Chu,Chao-Min	2016/07/18~2020/03/13	
16	Chief Prosecutor	Wang,Wen-Te	2020/03/13~2021/05/05	
17	Chief Prosecutor	Hsu,Hsi-Hsiang	2021/05/05 to present	

Section 5 List of Former Chief Secretaries

Precedence in office	Title	Name	Period in office	Notes
1	Chief Secretary	Peng, Mu-Ping	1951/12/23 ~ 1984/07/31	
2	Chief Secretary	Lin, Ching-Shou	1984/08/01 ~ 1987/02/01	
3	Chief Secretary	Fu, Chiu-Chi	1987/02/01 ~ 1989/12/24	
4	Chief Secretary	Pai, Cheng-Hung	1990/02/23 ~ 1992/08/01	
5	Chief Secretary	Lu, Tung-Jung	1992/08/01 ~ 1996/06/01	
6	Chief Secretary	Yu, Pu-Yuan	1996/06/01 ~ 2003/09/01	
Acting	Acting Chief Secretary	Huang, Yu-Yuan	2003/09/01 ~ 2005/06/03	
7	Chief Secretary	Liao, Hsiu-Ching	2005/06/03 ~ 2019/07/16	
8	Chief Secretary	Wang, Chia-Chi	2019/09/12 to present	



Section 6 Business Evolutions

I. Trial on the measures for court presence

(I) In order to implement the function of Prosecutors' court presence under the "Plan for Enhancing the Credibility and the Service Image of the Prosecutorial and Investigation Authorities" as requested by the Ministry of Justice ("MOJ"), as of May 1998, Prosecutors must be present throughout the court hearing when critical cases were involved, such as major corruption, violations of the Organized Crime Prevention Act, major criminal cases, and cases eye-catching to society.

(II) As of July 1999, for major criminal cases, the original Prosecutors must be present throughout the court hearing.

(III) In coordination with the Banciao District Court in the promotion of the trial on the eight judicial reform measures as instructed by the Judicial Yuan, as of August 1998, Prosecutors must be dedicatedly present throughout the court hearing for some specific cases.

II. As of September 15, 2010, a Major Case Prosecution Team was established to dedicatedly handle Public Prosecutions' court presence matters for cases catching the eyes of society, or cases where the defendants were the heads of local self-governing bodies, or cases of the judicial police officer, or cases designated by the Chief Prosecutor, so as to effectively achieve the goals set for the enhanced conviction rate.

III. On February 23, 2011, the "Specific Punishment Seeking Team for the Facilitation of the Sexual Offences Cases" was established to study the specific punishment seeking criteria for sexual assault cases, and to supervise the sentencing by the judge.

IV. On September 26, 2011, an Investigation Center of Crime against Environmental Protection was established to combat crimes against environmental protection with joint efforts from the police and non-governmental environmental protection groups.

V. On August 1, 2012, a cooperation agreement on the legal internship course was entered into with the College of Law of National Chengchi University, which marks the first case of cooperative internship course between the prosecutorial authorities and the university.

Section 7 Excerpts of Major Cases

I. The catastrophe of Haishan Coal Mine



The Haishan Coal Mine catastrophe happened on June 20, 1984, and was one of three major coal mine catastrophes that happened in Taiwan in 1984.

On June 20, 1984, a coal dust explosion happened in the Haishan Coal Mine in Tucheng Township (now restructured to Tucheng District - this note is applicable below as well) in Taipei County (now restructured to New Taipei City - this note is applicable below as well), due to the failure of proper inserting of the bolt on the 7th and 8th trolleys. The trolley slipped and hit high-voltage power, and the sparks triggered and contacted with the pulverized

coal in the air, leading to an explosion. The miners at the scene were killed due to the impact, explosion, and carbon monoxide poisoning. This catastrophe caused 72 deaths in total, most of whom were Amis miners. At the time of the catastrophe, the Chief Prosecutor of the Banciao District Prosecutors Office (now renamed the New Taipei District Prosecutors Office - this note is applicable below as well) along with all Prosecutors in the Office arrived at the scene to carry out the examination. After the examination and investigation, it was determined that the accident was due to a natural cause and the case was closed after being so reported.

II. The corruption case of Sibiantou pumping station

While serving as the Director of the Housing and Urban Development Bureau (“HUDB”) of the Taiwan Provincial Government, Wu, *-Yuan, also a former legislator and former mayor of Pingtung County, was responsible for the construction of the Sibiantou pumping station at the juncture of Nanzigou and Dahan Creek beside Huanhe South Road in Banciao District, based on the Phase-III Flood Control Implementation Plan in the Taipei Area. Wu, *-Yuan came from the same hometown Pingtung as, and was acquainted with, Chung, *-Lang who was the person responsible of Guoguang Engineering Consulting Co., Ltd. (“GUOGUANG ENGINEERING”) and Guoguang Environmental Technological Co., Ltd. (“GUOGUANG TECH”), as well as the person actual responsible of Guofeng Engineering Consulting Co., Ltd. (“GUOFENG ENGINEERING”). Chung, *-Lang learned about the pump station construction, hence visited Wu, *-Yuan’s office in early July 1992, requesting Wu, *-Yuan to let him handle the outsourcing design job of the Sibiantou pumping station construction engineering. Wu, *-Yuan agreed and the HUDB then entered into a contract with GUOFENG ENGINEERING on August 19, 1992, and GUOFENG ENGINEERING obtained the outsourcing design rights for this project.

After securing the outsourcing design rights for this project, Chung, *-Lang compiled fake budgets on the mechanical, electrical and civil engineering parts of the project for a total of NTD384,622,000. Under the instruction of Wu, *-Yuan to his subordinate personnel, on December 7, 1992, the HUDB adopted the construction fee NTD1,478,330,000, stated in the construction budget report submitted by GUOFENG ENGINEERING, as the budget amount for the outsourcing engineering. On December 19, 1992, about 95.53% of the budget amount was approved, i.e. NTD1,411,000,000 became the approved bottom price.

After GUOFENG ENGINEERING was entrusted by the HUDB to handle the design planning and budgeting for the Sibiantou pumping station engineering, Chung, *-Lang then got into contact with Li, *-Cheng, the person responsible of Huayu Industrial Co., Ltd. (“HUAYU”) in September and October 1992. Li, *-Cheng was informed by Chung, *-Lang that this project’s profit margin was more than NTD300 million, and that if HUAYU intended to undertake this

project, then assistance would be provided for Huayu to win the tender award, provided that NTD 190 million out of the total profit NTD300+ million is shared by Chung, *-Lang as remuneration. After the assessment, Li, *-Cheng confirmed there was profit to be made, so he agreed with Chung, *-Lang's proposal, promised to fulfill the payment to Chung, *-Lang after being awarded the tender. After negotiation between Chung, *-Lang and HUAYU, in order to ensure that HUAYU would win this bid, Chung, *-Lang arranged the bid rinning to ensure that HUAYU would win the bid. In September and October 1992, Chung, *-Lang disclosed to Li, *-Cheng the details of the fake budgeting NTD 1,400+ million especially on the mechanical, electrical, and civil engineering parts, and also contacted the persons responsible of Hsin II Engineering Co. Ltd., International Machinery Co. Ltd., and Super Max Engineering Enterprise Co., Ltd., for them to assist in bid rigging, where profit-sharing promises were made. As a result, HUAYU was awarded the bid for a price of NTD 1,402 million which was exactly 99.43% of the bottom price of NTD 1,410 million. Later, Li, *-Cheng paid Chung, *-Lang NTD 189,200,000 as agreed, and Chung, *-Lang paid Wu, *-Yuan NTD 26 million through a middle man (aka "white gloves", meaning to launder the money to make it look legitimate) Yu, *, a former Provincial Councilor.

After the incident, Chung, *-Lang absconded and an arrest warrant was ordered by the New Taipei District Court. In 2018, the period of limitation of prosecution expired, and Chung, *-Lang was ruled for ""Exempt from Prosecution"" by the New Taipei District Court. At the end of 2001, Wu, *-Yuan failed to be re-elected as a legislator. Before leaving his office, Wu, *-Yuan applied for an overseas business trip with an official letter related to the business trip of the Transportation Committee of the Legislative Yuan. The court therefore agreed to temporarily lift Wu, *-Yuan's travel restriction. Wu, *-Yuan then took the opportunity to flee to mainland China and was wanted under an arrest warrant until 2008 he passed away in Beijing.

Nyatoh-Moderate Typhoon (schematic image) / Central Weather Bureau

III. The flooding case in Typhoon Herb

F^{u, *-Yun, Tsai, *-Ming, Sung, *-Kang, and Hsu, *-Shan} were respectively the Director, the Head of the Public Works Section, the Deputy Chief Engineer, and the Deputy Chief Engineer of the Tenth Engineering Department ("Tenth Engineering Dept.") of the Water Resources Bureau of the Taiwan Provincial Government. Since 1990, the Tenth Engineering Dept. had been responsible for the construction of flood control engineering for a total of 18 dikes with drainage gates, including Xinzhuang, Xisheng, Shulin, Zhongyuan, Banciao, Tucheng,

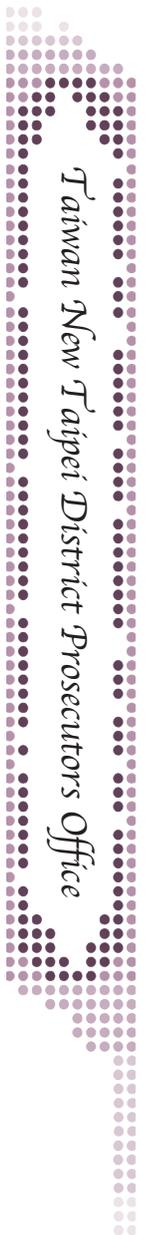
and the reconstruction of the extension of the left bank of the floodway to Yonghe. However, many of the water gates completed and accepted by the Tenth Engineering Department were refused to be taken over by the Taipei County Government for different reasons, therefore they had not been handed over to Taipei County Government or the respective competent City Offices. Accordingly, these water gates remained the responsibility of the Tenth Engineering Dept. for maintenance.

On July 29, 1996, the Central Weather Bureau issued a marine and land-based typhoon alert for the severe typhoon "Herb". The alert areas covered northern, northeastern, and eastern Taiwan. Nevertheless, Fu, *-Yun, Tsai, *-Ming, Sung, *-Kang, and Hsu, *-Shang did not even take any emergency measures against the water gates under their management and maintenance. Sung, *-Kang did not pay attention to the water level inside and outside the water gate, and forgot to close the drainage gate of the water gate. As a result, at about 22:00 on July 29, 1996, when the external water level of the Guangfu water gate reached 5.16 meters high, the flood from the Xindian Creek poured into the dikes through the three drainage gates that remained open, and no one was there to close the drainage gates. Hsu, *-Shan also failed to take initiative to inspect, repair, and test the operating situation of the drainage gate of the water gate in Tucheng, or take related corresponding measures, after the release of the typhoon alert. The

dashboard of the control cabinet No. 1 was blown down by strong winds and could not be controlled, and Hsu, *-Shan failed to notice that at that time. The water level outside the Tucheng water gate already exceeded 7.2 meters for the drainage gate to be closed. Hsu, *-Shan failed to close the No. 2 and No. 3 drainage gates, causing the four drainage gates of the Tucheng water gate to remain wide open, and the flood from Dahan Creek poured backwards into the dike.

Moreover, the six drainage gates of the Sibiantou water gate were closed at 22:00 on July 31, 1996. After the water level of Dahan Creek outside the water gate fell below the water level inside the dike, the drainage gates were supposed to be opened, so that the flooded water could flow back to Dahan Creek. However, due to the power outage, the drainage gates could not be opened electrically. The generator in the Sibiantou pumping station also failed as the generator was soaked in water and could not generate electricity. As the Head of Banciao Public Works Section-I of the Tenth Engineering Dept., Sung, *-Kang failed to plan ahead of the coping measures for handling the drainage gates of the Sibiantou water gate, should a power outage happen or the generator fail during the flood control period, or failed to arrange a backup generator set. As late as 20:40 on August 1, 1996, the replaced generator was installed completely, and it was not until about 22:00 on August 1, 1996, then the six drainage gates were opened one by one, and it was not until 22:30, that the flooded water in the Sibiantou neighboring area completely receded.

All the above chaos had brought to Banciao City, Zhonghe City, and Tucheng City in Taipei County the water volume in a total of 8.956 million cubic meters, covering a flooded area of totally 809 hectares, and causing disastrous losses amounting to more than NTD248 million. Subsequently, Fu, *-Yun, Tsai, *-Ming, Sung, *-Kang, and Hsu, *-Shanjing were prosecuted by the New Taipei District Prosecutors Office for being suspected of causing a disaster due to a civil servant's dereliction. They were convicted by the Taiwan Banciao District Court (now restructured to Taiwan New Taipei District Court - this note is applicable below as well). This case marks the first case in Taiwan where a civil servant was prosecuted for causing a disaster due to his/her dereliction, and the civil servant was convicted at the first instance. However, this case was appealed to the Taiwan High Court, the second instance judgement was a "not guilty" decision.



IV. The crime of the kidnapping, ransom and killing of the hostage, Pai, *-Yen

In 1997, Chen, *-Hsing, Lin, *-Sheng, and Kao, *-Min rented a premise in New Taipei City where they plotted a kidnapping plan called "Tianyi" (means a perfect crime). On April 14, 1997, Chen, *-Hsing, et al. kidnapped Pai, *-Yen when she left home alone for school, and demanded a ransom from her family. After receiving the report that night, the New Taipei District Prosecutors Office immediately contacted relevant agencies to commence the communication surveillance. A task force was set up on the morning of April 15, 1997, and Chief Prosecutor of Taiwan New Taipei District Prosecutors Office designated a Project Prosecutor to lead the investigation of the case.

In the early morning of April 25, 1997, a fire broke out in a building on Xiyun Road, Wugu District. After extinguishment of the fire, it was found that the hostage was once hidden there. Meanwhile, the suspect Kao, *-Min's shoes and fingerprints were found at the scene. From that point onwards, the suspects of this case were identified to be Chen, *-Hsing, Lin, *-Sheng, and Kao, *-Min.

On April 28, 1997, the Head Prosecutor of Taiwan New Taipei District Prosecutors Office met with Chen, *-Hsing's wife, Chang, *-Chen, and Chen's mother who was arranged to appear in front of the media, calling on her son to release the hostages as soon as possible and to turn himself in. At about 17:30 on April 28, 1997, a female corpse was found in a large drainage ditch in the Wugu Industrial Park, Xinzhuang District. The female corpse was identified to be Pai, *-Yen by Taiwan New Taipei District Prosecutors Office. The case was confirmed to be a kidnapping, ransom, and hostage-killing case.

On May 3, 1997, Taiwan New Taipei District Prosecutors Office signed wanted warrants for Lin, *-Sheng, Chen, *-Hsing, and Kao, *-Min, and executed the arrest operation under the command of the task force with joint efforts of the Investigation Bureau of the Ministry of Justice, the Military Police, and the police department. Regardless of being wanted, Chen, *-Hsing, et al, continued to commit numerous kidnapping and ransom crimes. They also engaged in a



gun battle with the police and wounded the police. In addition, they also committed sexual assault and homicide at a plastic surgery clinic in Taipei City, killing all three victims with one shot each to the head while the victims were tied up. This case had stirred society into a big panic.

On November 17, 1996, Kao, *-Min was rounded up by the police on Shipai Road in Taipei City. Knowing that there was no hope of escape, Kao, *-Min killed himself by raising the gun to himself.

On November 18, 1997, Chen, *-Hsing held five hostages, including a military attache of the Embassy of Republic of South Africa in Taiwan, et al. The Chief Prosecutor of Taiwan Bianqiao District Prosecutors Office and two Prosecutors rushed to the scene to set up a temporary command post with the heads of the police department and tried to come up with the countermeasures. On November 19, 1997, the five hostages were released one after another, and Chen, *-Hsing also surrendered at about 19:50.

With more than seven months of investigation of this case, in total 14 defendants were detained, more than 700 lines of communications surveillance were undertaken, more than 200 search warrants were issued, more than 30 related people were investigated, more than 20 search and arrest operations were conducted, 12 pistols and 1,200 bullets were seized, and crime proceeds of millions of dollars were confiscated. The investigation ended on December 4, 1997. Since the defendants, Lin, *-Sheng and Kao, *-Min, were already dead, the ruling not to prosecute was made in accordance with the laws. The defendant Chen, *-Hsing was prosecuted for kidnapping and ransom, etc., and the Prosecutor was seeking the punishment of four death penalties, one life imprisonment, and a totality of 57-year imprisonment. On December 24, 1998, the Taiwan Supreme Court sentenced Chen, *-Hsing to three death penalties, one life imprisonment, and the deprivation of Chen's citizen's rights for life. On October 6, 1999, Chen, *-Hsing was executed.

V. 921 Devastating Earthquake -- the case of the Doctor's House Building and a building in the Longge Community

At 1:47 a.m. on September 21, 1999, an earthquake measuring 7.3 on the Richter scale struck Taiwan. The epicenter was located 12.5 kilometers southwest of Sun Moon Lake and 8 kilometers below the ground. The earthquake resulted from the collision of two faults, "Chelongpu" and "Tamaopu-Shuangtung." It caused 2,455 deaths and 11,305 injuries all around Taiwan. 38,935 households collapsed, and 45,320 houses partially collapsed. The national economic losses were estimated to be NTD 360 billion or more, making it the worst earthquake ever in Taiwan's history.

Due to the earthquake, the Doctor's House Building located in the Minan Section of Xinzhuang District, New Taipei City, and the southern building of the "Longge Community" located on Zhongrong Street, Xinzhuang District, New Taipei City collapsed. 43 residents, including Wang, *-*, et al, of the Doctor's House Building died because they were crushed by the falling beams, columns, and walls, inhaled too much carbon monoxide, or burned to death, after failing to escape in time, while another 130 residents suffered minor and massive injuries. One resident, Chen, *-* of the "Longge Community" died on the spot because he was crushed by the falling beams, columns, and walls, after failing to escape in time.

Seeing such a tragic building collapse and high number of casualties caused by the earthquake that measured 7.3 on the Richter scale in Xinzhuang District, New Taipei City, not only did the New Taipei District Prosecutors Office dispatch personnel to conduct the examinations, but also initiated an investigation to clarify the cause of the collapse of the two buildings and the liabilities of the relevant personnel, so as to maintain the safety of the people's housing.

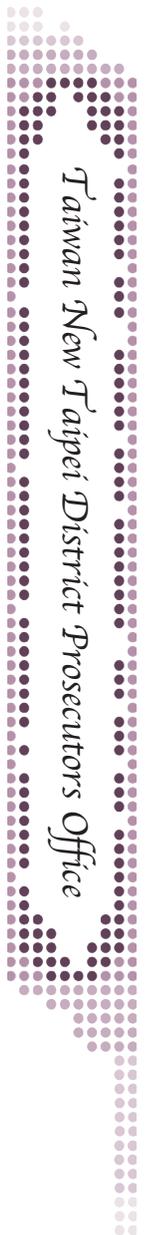
As shown in the investigation, it was believed that this tragedy could be attributed to a construction company. Without practically executing the construction of the said buildings, this construction company even rented out its license to a third party for profits. Without having relevant professional knowledge and experiences, this third party was not even a construction company, and even made fraudulent certifications with borrowed licenses of architects and

construction technicians. Failing to comply to the codes and practices in their construction and architectural work, the undertaking engineering company that constructed the buildings directly led to the collapse of the buildings and the loss of life and property. The investigation of this case was concluded after the Prosecutor prosecuted the related suspects, including the responsible person of the abovementioned construction company undertaking the construction project, responsible person on the construction site, supervisor on-site, architects, construction technicians, subcontractors, etc., in causing death due to business negligence, violation of the established rule of construction, forgery, etc. The Prosecutor sought sentencing these defendants to imprisonment for a term ranging from 1 year and 6 months to 7 years and 6 months.

VI. The case of the Fishboat “No. 8 YINGSHENG”

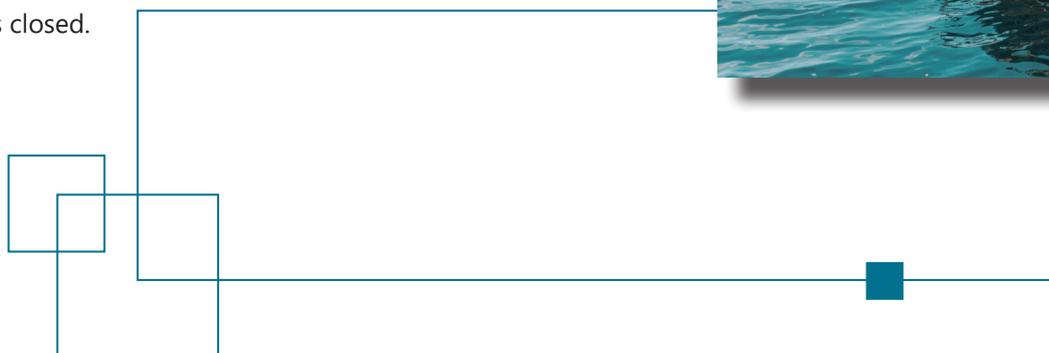
On March 30, 2002, under the command of Head Prosecutor of the New Taipei District Prosecutors Office, Coast Guard Administration (“CGA”) personnel intercepted the Fishboat “No. 8 YINGSHENG” maneuvered by Fu, *Fu, et al. in the open seas outside Yeliu, and more than 170 long and short firearms, more than 10,000 bullets, and 26 grenades were seized on the boat. Due to the quantity of arms and ammunition involved in the smuggling, the undertaker at the time described the array of the arms and ammunition “as serious business as running for the military.” This case marks the largest smuggling case of arms and ammunition in the history of Taiwan’s public security at the time.

From March 20 to 25, 2002, Fu, *-Fu et al. transported 170 long and short firearms, more than 10,000 bullets, and 26 grenades on the Fishboat “No. 8 YINGSHENG” from the open seas off the Island of Luzon, Philippines. At the time, the prosecutors and the police were tracking down the sources and the buyers of the guns on the black market, and came to know that the smuggling syndicate first located buyers in Taiwan before purchasing guns in the Philippines to be shipped via the Fishboat. The main buyers were major gangsters in Central and Southern Taiwan. The Taipei and Kaohsiung District Prosecutors Offices joined hands, tracking down such gun activities in cities along the coastline from the South to the



North of Taiwan. It came to know that the criminal gangsters were about to make a deal on this batch of guns in Taichuang City and Taichuang County. Under the command of the New Taipei and Keelung District Prosecutors Offices, the police cast out a tight net in the northern coastline to catch these gangsters. Prior to the Fishboat No. 8 YINGSHENG's going ashore, various Prosecutors Offices had been long ambushing on land and preparing to arrest the gangsters. Some Prosecutors Offices planned to tighten up the arresting net to grab the gangsters once they got off the boat all at once, whereas some Prosecutors Offices intended to further arrest the gangster group behind the scenes when they showed up to pick up the guns they bought. However, the Head Prosecutor of the New Taipei District Prosecutors Office who undertook the case was worried that once these guns were circulated in society after they were brought on-shore, if their whereabouts failed to be controlled, it would seriously jeopardize the public security. So he ordered the Coast Guard Administration ("CGA") to control these guns first before trying to catch the smuggling syndicate behind the scene. In the end, the largest smuggling case of arms and ammunition in Taiwan at the time was successfully concluded.

After the prosecution of this case, Fu, *- Fu, et al. the four defendants were sentenced to the death penalty by the court of first instance. After numerous appeals, Fu, *- and Tu, *-Tang were sentenced to life imprisonment, and Huang, *-Chiang was sentenced to imprisonment of 15 years. He, *-Fa passed away while his case was being sent back to a court of lower instance for retrial and subsequently suspended due to his disease, so the He, *-Fa case was closed.



VII. The case of the Fishboat "SHUNJIFA"

The Prosecutors of the New Taipei District Prosecutors Office had directed, monitored, and investigated the smuggling case of the Fishboat SHUNJIFA for 9 months. According to the investigation, it was found that the case involved a cross-national

drug smuggling syndicate which was manipulated and funded by a mafia. According to the monitoring of the Fishboat SHUNJIFA, it sailed from Wanli Fishing Port in mid-June, 2002, reached the North Korean sea area on June 21, 2002, received the drugs from a North Korean warship, and returned. On June 30, 2002, the Fishboat "No. 18 XIEMAN" departed from a port in Taiwan, received the drugs from the Fishboat "SHUNJIFA" on July 1, 2002, and returned. Upon the boat arriving at the Shen'ao Fish Port at 4:00 a.m. on July 2, 2002, under the command of the Prosecutors, the police ambushed at the port and took the "pocket tactics." As soon as the Fishboat "No. 18 XIEMAN" entered the port, a cohort of suspects was arrested, 198 blocks of heroin were seized and this criminal smuggling syndicate also collapsed. Moreover, the smuggling sea chart, showing the route from Taiwan to North Korea, independently made by this smuggling syndicate was tracked down. As well, it was found that Lu, *-Wan (the captain of the Fishboat SHUNJIFA which was the "mother ship" collecting drugs from North Korea) was even the missing wanted from the smuggling case of arms and ammunition of "No.

8 YINGSHENG" tracked down by the CGA in March, 2002. Lu, *-Wan was not on-duty on the Fishboat No. 8 YINGSHENG to escort the drugs and was not arrested at the time. After "No. 8 YINGSHENG" was confiscated, Lu, *-Wan then encouraged the drug syndicate to purchase



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another new “mother ship” SHUNJIFA, and served as the captain. Lu, *Wan then left for North Korea on a mission of drug trafficking, and was caught in the process of transporting the drugs, then transferred to the court. The court of first instance sentenced Lu, *-Wan to imprisonment of 8 years and 6 months, Lin, *-Kuo 8 years, and Chien, *-Lung 9 years, and Tu, *-Hsien, et al. three people all to life imprisonment. After several appeals, Lin, *-Kuo was re-sentenced to life imprisonment, and the sentences of others were sustained.

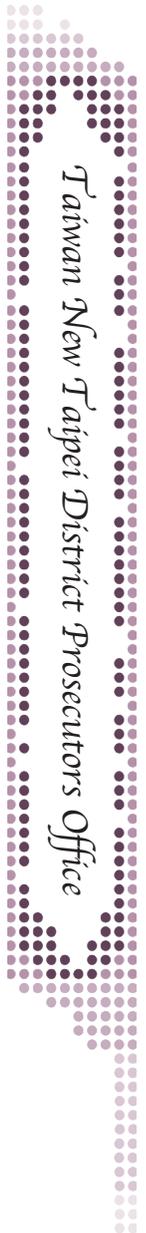
This case marks the second-largest heroin drug smuggling case in history. Besides, it caught the attention of society because this drug smuggling syndicate was suspected of being linked to the North Korean military. The North Korean warship would transport the drugs to the North Korean sea area where Taiwan fishboats were to meet, received and transported the drugs to Taiwan. The smuggling fishboats were also equipped with advanced radar systems and satellite maritime telephones, and the suspects were also quite familiar with the police’s monitoring and handling skills. In their telephone communication, they often adopted nicknames, for example, “Datong” for a big boat. “Xiaotong” for a small boat, and many of the nicknames could not be interpreted by the prosecutors and the police, which once even was a blind spot during the investigation. Although the prosecutors and the police had their drug trafficking route under watch, the radar on the fishboats were used to interfere with the signal collection of the patrolling boats all the way. Furthermore, the fishboats would sneak into the center line of the straits to avoid being chased when there were other boats heading their way in a fixed direction. Since Taiwan’s patrolling boats have been careful not to sail into the center line of the straits, the effectiveness of the interception operation at sea therefore was not as high as expected.

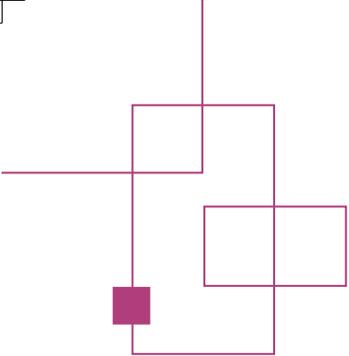


VIII. The case of collective corruption by City Councils selling their Councilor's Subsidiary Funds

In 2004, a collective corruption scandal burst out from New Taipei City Council, where City Councilors were accused of being involved in illegally collecting kickbacks from authorizing the Local Development Fund and Coordination and Allocation Fund, where some City Councilors even offered to directly transfer their "quotas" to other peer City Councilors for cash.

After receiving the report from citizens, the Prosecutors of the New Taipei District Prosecutors Office immediately commenced to investigate suspicious accounts, and numerous City Councilors of New Taipei City came to their attention. A large-scale search operation in New Taipei City was conducted, covering the residences of those City Councilors involved in this case, their City Council offices and investment venues, etc. Ultimately, seven City Councilors were arrested with warrants (namely Kao, *-Hui, Wu, *-Lin, Tien, *-Chih, Chu, *-Ying, Chang, *-Lung, Wang, *-Hui, and Hsu, *-Tsai), 26 people were asked to report to the court (including Lin, *-Lien, et al. six businesses and other association responsible persons), three business persons (namely Lin, *-Lien, Nieh, *-Yi, and Wang, *-Lan) and three County Councilors (including Kao, *-Hui, et al.) were requested by the Prosecutor to the Judge for detention. Later, a second wave of arrests with warrant orders was launched, and Yu, *-Huang and Liu, *-Hung (two former Councilors) and Yen, *-Hsiung (the then Head of Ruifang Town) were released on bail, waiting for summons. Moreover, the Prosecutors found out that 30 or 40 County Councilors had business dealings with the manufacturers involved; therefore, they arrested eight more City Councilors (namely, Wang, *-Hui, Hsu Chen, *-Hua, Sung, *-Tsai, Lu, *-Hsi, Cheng, *-Lung, He, *-Feng, Chin, *-Yu, and Tseng, *-Chen) after the regular City Council general meeting, where five of the eight City Councilors were applied by the Prosecutors to the Judge for detention and restriction from meeting others. According to the investigation, it was found that as of 2000, Lin, *-Lien, the actual responsible person of the three companies (namely RUTONG, HENGMAO, and LIDE) had successively introduced those Township Offices and schools in various counties which were in an urgent need of government subsidies,





to Councilors who could help those in urgent need of subsidies get access to the Local Development Fund and Coordination and Allocation Fund, provided the Councilors would get 30 - 70% of the subsidiary funds as kickbacks. Lin, *-Lien further worked with Kao, *-Hui (a City Councilor) who in turn solicited other City Councilors to join in the corruption. Every Councilor was entitled to exert his/her Councilor's Subsidiary Fund related as part of the Local Development Fund and Coordination and Allocation Fund. Seeing the profits in match-making City Councilors and those governmental offices or schools, Kao, *-Hui was suspected of using other peer Councilor's Subsidiary Funds or enticing them to join the run. These Councilors collected kickbacks by enabling the "Annul Councilor's Subsidiary Funds (NTD10 million)" (from Taipei City Government) under their own power to be put under the disguise of school subsidies or in the name of local associations.

After nearly four months, on September 2, 2004, the first wave of investigations ended. A total of 50 people were prosecuted, including Kao, *-Hui, et al., 18 former and incumbent Councilors, Lin, *-Lien, et al. five businesses and other association responsible persons. Subsequently, it was found out that seven incumbent or former Councilors (namely Lin, *-Kuang, Hsiao, *-Yu, Huang, *-Tsan, Li, *-Fang, Lin, *-Cheng, Tsai, *-Hui, and Lin, *-Jui) were also involved in selling their Councilor's Subsidiary Funds to Lin, *-Lien, and demanding kickbacks ranging from NTD 60,000 to NTD 4.6 million. On January 12, 2006, this case was prosecuted, and all the association responsible persons admitted to their offenses. This case marks the first case of collective corruption by City Councils on the Councilor's Subsidiary Funds in Taiwan.

In the first instance trial at the New Taipei District Court, some were sentenced to suspension of punishment or not guilty, while some were sentenced to imprisonment for a term ranging from 2 years and 6 months to 7 years and 10 months. So far, 17 cases of the defendants remain in the first retrial with the Taiwan High Court.

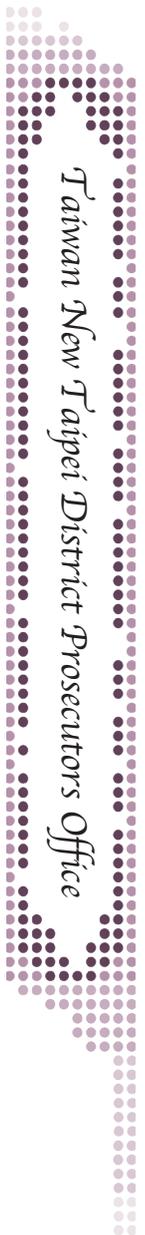


IX. The corruption cases of buying official positions committed by a high ranking military officer, and a scandal of the tender contract from Armaments Bureau of Ministry of National Defense

As of 2006, Taiwan New Taipei District Prosecutors Office and Ministry of Justice Investigation Bureau ("MJIB") started to monitor a collective corruption case committed by military officers. It was found that more than 10 architects and builders had formed a bid-rigging group. When a number of brokers illegally obtained confidential information on the specifications and bid reserve prices of some major engineering or procurement tenders outsourced by the military, they sold such information to the abovementioned bid-rigging group. The brokers and the military officers involved in the case were to share the profits ranging from 10% to 20% of the total engineering project prices. The total budgets of the engineering tenders rigged by the bid-rigging group amounted to a few billion NTD, where most of the tenders were construction and maintenance engineering projects outsourced from the military.

On the morning of September 22, 2008, under the command of the prosecutor of New Taipei District Prosecutors Office, a large-scale search was conducted at the premises of more than 10 architects and their responsible persons' residences located in Taipei City and New Taipei City. Some of these responsible persons were subpoenaed. During the investigations, it was found that Lin, *-Chung, the head of the broker group, enticed military officers with promotions, luxury tours, bribes, sexual entertainment, or other improper benefits, to get these officers to commit breaches of official duties, such as collecting, handing over, and disclosing non-public information or messages about the military engineering tenders.

Next, the above tender information was passed to Wu, *-Chen, a member of the broker group, who then asked the vendors as well as architects or engineering consulting firms who might be interested in taking on the construction projects to meet with Lin, *-Chung, and reviewed the tender information. Any of the abovementioned vendors or firms, who decided to participate in the tender bidding, must pay a "registration fee" of NTD 200,000 or 300,000



first, and pay the broker group another 13% to 20% of the price of the awarded tender after winning the bidding. In addition, the winning vendor even should use the specific materials provided by the suppliers designated by the broker group.

Apart from the abovementioned corruption case in military engineering tenders, during the monitoring process, it was accidentally found that through Zhong, *-Xiang, the Head of the Procurement Team of the Logistics Division of the Reserve Command, Lin, *-Chung met with Lieutenant General Yuan, *-Han, at the end of 2006, knowing that General Yu, *Fa, Commodore of the Reserve Command may receive a position change, and that Yuan, *-Han was interested in endeavoring to be promoted to the position of General Commodore of the Reserve Command. Lin, *-Chung then actively made arrangements to assist with Yuan, *-Han's promotion matters. Later, in order to pay back Lin, *-Chung's favor in the promotion efforts, Yuan, *-Han instructed his subordinate Zhong, *-Xiang to accommodate Lin, *-Chung's requests as much as possible, and provided Lin, *-Chung with the not-yet-published information such as Requirement and Planning Instructions. Moreover, exerting his power, Yuan, *-Han requested the mobilization to transfer major procurement projects, such as Mingde and Changshan projects, back to the Reserved Command for self-handling, so that these project tenders might be manipulated in coordination with Lin, *-Chung's requirements down the road. The case was developing into a "buying official positions" investigation.

On April 7, 2009, Taiwan New Taipei District Prosecutors Office prosecuted 27 cases of military procurement corruption. The eight people in the Lin, *-Chung Group were prosecuted for violation of the Anti-Corruption Act. In Judgement No. (98)-Shu-Zhong-Su-zi-2 dated September 2, 2009, Yuan, *-Han was sentenced by Taiwan New Taipei District Court to imprisonment for a term of 10 years and four months for breaching his civil servant's official duties on receiving offers and other improper profits. Lin, *-Chung was sentenced to imprisonment for a term of three years for bribes and other improper benefits to military officers..The remaining accused were sentenced to imprisonment for a term ranging from seven years to one year and four months.



X. The collective corruption case of the prison controllers of Taiwan Taipei Detention Center

In October 2007, through monitoring conversations between the inmate Mr. Huang and his relative/friend (Mr. Huang's visitor), Taiwan Taipei Detention Center ("TTDC", now restructured as Taipei Detention Center of Agency of Corrections of Ministry of Justice - this note is applicable below as well) found suspicious corruptions linked to some controllers of TTDC, and hence New Taipei District Prosecutors Office was informed to investigate.

During the investigation, it was found that while receiving bribes, the controllers took advantage of their official positions to secretly bring in contraband, such as alcohol, medicine without inspection by the in-house physicians at the detention center, tea, betel nuts, pornographic books, radios, etc., by evading the inspection procedures in the detention center during business hours.. The main operation mode was brokers and controllers first waiting for opportunities to connect with the family members of the inmates. After demands were placed by the family members of the inmates with the brokers, the controllers then handed over the goods to the inmates.. Besides, the controllers of TTDC were suspected of committing extortion by power. If the inmates failed to give bribes, the controllers would retaliate against the inmates through reducing aggregated penalty points of the inmates, to adversely impair the inmates' parole rights or even lockup the inmates in a Penitence Room.

On April 16, 2009, New Taipei District Prosecutors Office initiated the first round of search and subpoenaed controllers, inmates, and family members. The prosecutor requesting to detain the five controllers, namely Su, *-Jin, Xie, *-Can, Chen, *-Fu, Zhou, *-Wei, Zeng, *-Yuan was approved by court. On May 20, 2009, under the command of the prosecutor, eleven locations were searched, including the dormitory and the residences of those controllers. Four controllers, Hong, *-Hong et al., of TTDC and Luo, *-Ying, the controller of Taiwan Branch of the Taipei Prison, were ruled to be detained and restricted from meeting others.

On June 30, 2009, the case was concluded and 49 people were prosecuted, including 15 former or incumbent controllers. In Judgement No. (98)-Ting-Su-zi-2 and No. (98)-Su-zi-3624

dated June 22, 2010, Taiwan New Taipei District Court sentenced Xie, *-Can to imprisonment for a term of 19 years and 8 months, Xue, *-Zhen to 18 years and 10 months, and Lan, *-Zheng to 10 years and 8 months, all for breaching their civil servant's official duties in accepting bribes and extorting by power ; as well as sentenced Su, *-Jin to 17 years and 4 months, Zeng, *- Yuan to 8 years and 6 months, Chen, *-Zheng to 11 years and 2 months, Zhou, *-Wei to 6 years and 10 months, and Chen, *-Fu to 8 years and 10 months, all for breaching their civil servant's official duties in accepting bribes. All of the accused were found guilty.

XI. 1126 The shooting case on Lian, *-Wen



On November 26, 2010, on the eve of the three-in-one election for the five cities, Lian, *-Wen was presented at the pre-election night for Candidate of New Taipei City Councilor Chen, *-Yuan ,at Yonghe Elementary School, Yonghe District, New Taipei City. While standing on the stage in support of the Candidate, Lian, *-Wen was shot in his head and cheek by Lin, *-Zheng nicknamed "Horse Face." A civilian named Huang Sheng, a member in the crowd, was killed by a stray bullet. The Chief Prosecutor of New Taipei City Prosecutors Office immediately set up a "1126 Task Force" to actively investigate this case.

On November 27, 2010, re-interrogated by the prosecutor of New Taipei District Prosecutors Office, Lin, *-Wei was detained by court, believing he committed a felony of homicide, and was subject to abscondence. Besides, Lin, *-Zheng claimed that he was aiming to shoot Chen, *-Yuan but not Lian, *-Wen, and Lian, *-Wen's shot was just a result of missing the the real target, which also became the focus of the investigation as the case proceeded.

New Taipei District Prosecutors Office subpoenaed Chen, *-Yuan and his father as witnesses to investigate whether Lin, *-Wei and the Chen family disputed on lands and finance, as well as interviewed Lian, *-Wen, to understand the related information, such as the course of the shooting, and the relative position between Lian, *-Wen and the gunman. Apart from the subpoenas of the relevant witnesses, New Taipei District Prosecutors Office also actively tracked the source of the guns, and compared the testimonies of related persons, the communications records of Lin, *-Wei, the surveillance video recordings on-site, and the audio and video records collected by the police as evidence. A polygraph on Lin, *-Wei was also performed to clarify the issues in the case. On January 21, 2011, New Taipei District Prosecutors Office determined that Lin, *-Wei targeted to aim at Chen, *-Yuan, but mistakenly shot Lian, *-Wen, and caused one death with the stray bullet. In Charge No. (99)-Xuan-Zhen-zi-67, Lin, *-Wen was prosecuted for the crimes of homicide, attempted homicide, etc., and was specifically sought for the death penalty by the prosecutor to the Court. In Judgement No. (99)-Shu-Zhong-Su-zi-1 dated May 11, 2012, Taiwan Taipei District Court sentenced Lin, *-Wei to imprisonment for a term of 24 years, for committing the crimes of attempted murder, negligently causing the death of another, and violation of the Controlling Guns, Ammunition and Knives Act, etc. In Judgement No. (101)-Shu-Shang-su-zi-7 dated October 24, 2012, Lin, *-Wei was re-sentenced to aggravated life imprisonment for committing the crimes of attempted murder, murder accomplished, etc by Taiwan High Court. After the appeal, on January 24, 2013, in Judgement No. (102)-Tai-Shang-zi-335, Supreme Court dismissed the appeal, and the case was affirmed.

XII. The bomb case on Taiwan High Speed Rail

At 9 AM of April 12, 2013, two suitcases with suspected explosives were found in a women's toilet of the Train No. 616 Taiwan High Speed Rail ("THSR"). Coincidentally, at noon of April 12, 2013, two suitcases of gasoline, sodium cyanide, etc. were found at Legislator Lu, *-Chen's Service Office in Tucheng District. Meanwhile, the event "The First Visit of Holy Emperor Guangong from Xiezhou Ancestral Temple, Yuncheng City, Shanxi Province, China to Taiwan for Benediction" was in progress, and a sea of people were there. The concern was that if the two suitcases blew up, may cause disastrous casualties. After being tracked down by the police, it was found that Hu, *-Xian and Zhu, *-Dong who had already departed to China were seriously suspected of being related to the suitcase bombing. Through the cross-strait cooperative mechanism of joint combating of crimes, Chinese police arrested Hu, *-Xian and Zhu, *-Dong in Zhongshan City, Guangdong Province. The two suspects were immediately transferred to Taiwan. As per the investigation by the Prosecutor of New Taipei District Prosecutors Office, Hu, *-Xian was the presiding lawyer of a law firm, but was prosecuted by the prosecutor of Hsinchu District Prosecutors Office for being suspected of committing extortion and violation of confidentiality in 2012. Out of dissatisfaction of the charge, Hu, *-Xian complained about the serious uneven allocation of the resources in real life. Based on his past experience as a practicing lawyer, Hu, *-Xian was pretty familiar with the stock and future investments.. An idea of causing large-scale disaster to society came to his mind, by doing this, on the one hand, it satisfied his mentality of revenge, and on the other hand, it could benefit himself through contrary investment operation by affecting the weighted index number of the stock market of Taiwan Stock Exchange ("TSE"). As of February 24, 2013, Hu, *-Xian, detailed his objectives and time of offences, and approaches to escape off the crime and annihilate the evidence, based on his knowledge in physics. Next, by paying a high salary of NTD 100,000 per month, Hu, *-Xian hired a taxi driver Zhu, *-Dong. The two made "poisonous bombs" in Xinying District, Tainan City, and purchased a vehicle in advance under a pseudo name to evade investigation. On April 12, 2013, Zhu, *-Dong disguised himself as a police officer and placed the two suitcases with bombs at the entrance to Legislator Lu, *-Chen's Service Office who was welcoming the statue of the "Holy Emperor Guangong from Shanxi." Later, Zhu, *-Dong and Hu,

*-Xian fled to China. However, the abovementioned suitcases failed to explode as planned since Zhu, *-Dong failed to place the bombs correctly.

In an Indictment No. (102)-Zhen-zi-10628 dated June 4, 2013, the suspects were prosecuted by New Taipei District Prosecutors Office for committing the crimes of attempted murder, attempted arson in destroying the train with passengers, attempted endangerment of the train movement, and the offense obstructing railway business, etc. In Judgement No. (102)-Zhong-Shu-zi-2 by Taiwan New Taipei District Court, Hu, *-Xian and Zhu, *-Dong were sentenced to imprisonment for a term of 22 years and 12 years, respectively. Finally, in Judgement No. (103)-Jin-Shang-Su-zi-5 by Taiwan High Court, Hu, *-Xian and Zhu, *-Dong were sentenced to imprisonment for a term of 20 years, and 10 years and 6 months, respectively.

XIII. The random killing committed by Zheng, *

At 4:10 PM .of May 21, 2014, Zheng, * first took the Metro Rapid Transit (“MRT”) at the Sun Yat-sen Memorial Hall Station towards the Yongning Station, and then at 4:24 PM on the same day, he took the opposite bound train. On the way from Longshan Temple Station to Jiangzicui Station, Zheng, * stabbed passengers, namely Xie, *-Yun and Lin, *-*, with a titanium steel knife in Car 5, as well as successively stabbed passengers, namely Zhang, *-Han, Li, *-Yun, Pan, *-Zhu, with a titanium steel knife in Cars 6, 5, and 4. At the end, Xie, *-Yun et al. four passengers were dead after being sent to hospital, Lin, *-* and other 22 survived. After the assault, Zheng, * was rounded up and arrested by the traffic police at the exit of the gate on the west side of the Jiangzicui MRT station.

The prosecutor of New Taipei District Prosecutors Office had repeatedly arraigned Zheng, *, interrogated victims and witnesses, surveyed the interior of the cars, and reviewed surveillance video images within the cars and inside the station, etc., so as to verify the detailed process of the assault committed by Zheng, *. However, since this major case had



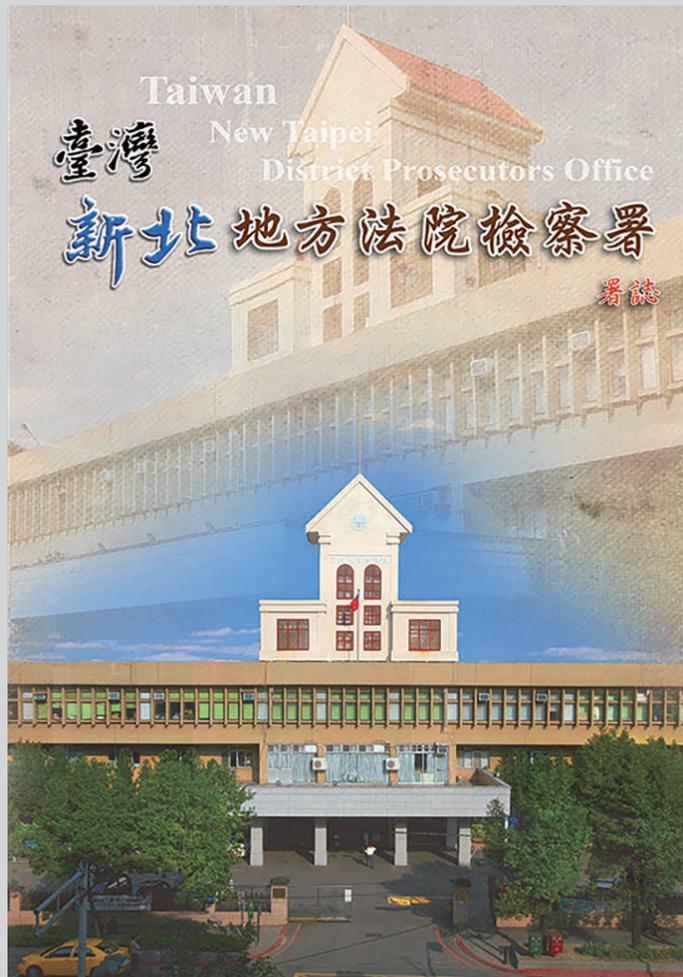
attracted the attention in society, people in the outer circle held many doubts about Zheng, *’s motives, his psychological state at the time of the crime, whether he was subjected to external stimuli, and his personality state, etc., as well as held different opinions on the types of punishment Zheng, *. As per the instructions given by the undertaking prosecutor to the hospital, Zheng, * should undergo an assessment for the above concerns. It was initially believed that at the time of the offences, Zheng, * was without mental disorders or other mental impairments, Zheng, * did not show any lack or obvious reduction of ability to identify his own illegal act,; rather, he was able to stand trial and to engage in the litigation procedures. Zheng, * also demonstrated his personality traits as anti-social and narcissistic. The undertaking

prosecutor therefore determined that Zheng, * had vowed to murder due to a dispute with two female classmates during his elementary schooling period. Since such a vow was practically not easy to realize in real life, Zheng, * decided to replace such a plan with random killings of equal difficulty and seriousness. Under the multiple pressures, including being reported by friends, being investigated by the military training instructor, and dropout of school, Zheng, * officially carried out the “large-scale killings” on the afternoon of May 21, 2014, and subsequently caused the death of Xie, *-Yun et al.



In this case, Zheng, * was prosecuted for four homicides and 22 attempted homicides. The death plenty was sought for him because his actions met his own definition of “large-scale killings,” where the methods adopted were brutal, dehumanizing, and the results caused the pain that the victims and their families could never erase... At the first and second instances, Zheng, * was sentenced to the death penalty, and in April, 2016, Zheng, *’s appeal was dismissed by Supreme Court.. Zheng, * was executed on May 10, 2016.

Section 8 Cover page of the History of Prosecutors Office and the link of global website



臺灣
新北
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檢察
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年誌

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