

Supreme Prosecutors' Office Press Release 2007.09.21

Prosecutors of the Special Investigation Division (SID), Supreme Prosecutors' Office, completed on 20 September, 2007 the investigation of the alleged corruption and document forgery cases from the special allowance of Vice President Lu Hsiu-Lien, DPP Chairperson Yu Hsi-Kun, Mr. Hsieh Chang-ting, Mr. Su Chen-chang and Secretary-General Chen Tang-shan who are either charged or released by law ((96)-Cheng-Tzu No.4). Moreover, employees of the Presidential Office, Executive Yuan and Ministry of Foreign Affairs involving in alleged document forgery have either been charged or granted suspended prosecution as described below.

1. Suspects being charged

1.1 Vice President Lu Hsiu-lien

During December 2000 to May 2006, employees of the Vice President's Office and secret service agents of the Vice President have continually collected a total of 1,005 uniformed invoices in the amount of NT\$5,636,517 from other consumers to use as the original certificates for cancelling the special allowance for the Vice President.

1.2 DPP Chairperson Yu Hsi-Kun

During October 2000 to December 2005, Mrs. Yu(Yang Pao-yu), employees of the Secretary General's Office, employees of the Premier Office, and secret service agents of the Premier have continually collected a total of 516 uniformed invoices at an amount of NT\$2,386,005 from other consumers to use as the original certificates for cancelling the special allowance for the Secretary General and Premier.

1.3 Secretary-General Chen Tang-shan

During July 2004 to June 2006, Mrs. Yu(Yang Pao-yu), employees of the Foreign Minister's Office and Secretary General's Office have continually collected a total of 106 uniformed invoices at an amount of NT\$368,199 from other consumers to use as the original certificates for cancelling the special allowance for the Foreign Minister and Secretary General.

1.4 All three suspects have allegedly committed document forgery prescribed in Articles 216, 210, 214 and 213 of the Criminal Law and the money or property fraudulence with government employee advantage prescribed in Articles 5.1.2 of the Anti Corruption Act. These crimes have also constituted a method and resultant correlation. Therefore, pursuant to the Paragraph 1 of Article 55, Criminal Law before the amendment, these suspects should be penalized severely because they were and are government employees.

1.5 As the special allowance claimed with personal receipts is disbursed and used in cash

instead of notes or remittances, there is no need of uniformed invoices or other certificates. Moreover, as the defendants only needed to submit a personal receipt to cancel the sum, there is no way to trace the how and where the sum was used. Based on the principle that a defendant cannot prove his crime, they do not have to testify against themselves or prove that they are innocent. Moreover, there is no solid evidence indicating that the defendants have used the special allowance of such nature for purposes not related to their work, or that they have embezzled the sum, or used it on their family. As there is no valid evidence to prove their crime and as it is a part of the same case, no individual investigation is necessary for this part.

- 1.6 Though Mrs. Yu(Yang Pao-yu) has continually collected the uniformed invoices of others and handed them to the secretary of the Secretary General or Premier Office as certificates for cancelling the special allowance for the Secretary General or Premier, as she has never personally involved with the special allowance, it is difficult to conclude that she and Mr. Yu have deliberately committed corruption in collusion or shared any corruption act. Therefore, there is no solid evidence to charge her as an accomplice to corruption.

2. Suspects being released

The following is the investigation processes and results of whether or not Mr. Hsieh Chang-ting and Mr. Su Chen-chang have used the special allowance claimed with personal receipts for official purposes, if the certificates for claiming special allowance requiring original certificates are true and their contents are real, and if such special allowance is used for official purposes when they are government official.

2.1 Special allowance claimed with personal receipts

When Hsieh was the Kaohsiung City mayor and Su, the Taipei County magistrate, the special allowance claimed with personal receipts was transferred to their personal banking accounts for them to use. Moreover, the expense from their banking accounts where the special allowance claimed with personal receipts was transferred was higher than the sum of special allowance claimed with personal receipts. When Hsieh was the Premier and Su, the Secretary General to the President, the special allowance claimed with personal receipts was disbursed and used in cash instead of bills or remittance. In fact, as such allowance was claimed by the defendants with personal receipts and there is no need to submit any original certificates, there is no way to trace how and where the sum was used. Investigations of the financial and taxation information and property declaration information of the defendants indicate that there was no abnormal movement in their property during these years. Based on the principle that a defendant cannot prove his crime, they do not have to testify against themselves or prove that they are innocent. Moreover, there is no solid evidence indicating that the

defendants have used the special allowance of such nature for purposes not related to their work, or they have embezzled the sum, or used it on their family.

2.2 Special allowance claimed with original certificates

In the investigation of the special allowance claimed with original certificates, all certificates submitted by the above two defendants to the Audit Department in Kaohsiung City, the Audit Office in Taipei County and the Ministry of Audit for claiming the special allowance claimed with original certificates during they were government officials were divided into 3 categories: uniformed invoices, receipts from stores with uniformed invoice exemption, and receipt for gifts/rewards. Results of the investigations indicate that both defendants used the special allowance claimed with original certificates for official purposes. Moreover, there is no solid evidence indicating that both defendants intended to claim by fraud such special allowance with original certificates of expenses not for official purposes or original certificates of others.

2.3 Special allowance claimed with original certificates

Pursuant to Article 154.2 of the Criminal Proceeding Law, “Facts of crimes shall be determined by evidence, i.e. no act of crime shall be determined without evidence,” it is difficult to press charges against the defendants with the empty accusation of the informants. Therefore, all charges are withdrawn pursuant to Article 252.10 of the Criminal Proceeding Law as there is invalid evidence.

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