

Regarding the first instance judgment rendered against Former-President Chen Shui-bian and other defendants for corruption and negligence of duties, the Special Investigation Division of the SPO has already filed an appeal with the Taiwan High Court today (18<sup>th</sup> of September) against seven people, Chen Shui-bian, Wu Shu-chen, Chen Chen-hui, Tsai Ming-che, Kuo Chuan-ching, Chen Chih-chung and Huang Jui-ching based on the fact that partial judgment was made by inappropriate fact and punishment determination and law application.

The SPO received the original of the judgment on September 14. Having jointly discussed with the Taiwan Taipei Prosecutors Office, the SPO considers an appeal necessary. Now it hereby explains below the reasons regarding the above appeal:

1. The first instance judgment concluded that the two offenses committed by the defendants Chen Shui-bian, Wu Shu-chen, Chen Chen-hui, Tsai Ming-che and Kuo Chuan-ching under the Statute for Punishment of Corruption and Money Laundering Control Act are considered implicated offenses and should be punished for one crime. Such application of legal rules is inappropriate.
2. The first instance judgment only punished the defendant Chen Chih-chung for violating the articles under the Money Laundering Control Act in his state confidential expenses case. Although the judge reported a crime to the prosecutors for the defendant's violation of the Statute for Punishment of Corruption, he has not punished the defendant for such crime based on implicated offense theory. The fact determination and law application under the judgment regarding this are inconsistent with the crimes concluded against the aforesaid five defendants, including Chen Shui-bian.
3. The defendant Tsai Ming-che's involvement in Lung Tan land purchase case is in violation of the Offence of "concealing Acquired Properties from Felony Committed by Others" under the Money Laundering Control Act and defendant Kuo Chuan-ching's involvement in state confidential expenses case and Lung Tan land purchase case is in violation of the Offence of "concealing Acquired Properties from Felony Committed by Others" under the Money Laundering Control Act. However, the judgment fails to state reasons in the related column.
4. The first instance judgment fails to state complete reasons for the fine announced for defendants Chen Chih-chung and Huang Jui-ching regarding their violation of the Money Laundering Control Act.
5. Having compared the circumstances of the crime and punishment results among defendants in the same case, defendants Tsai Ming-che, Huang Jui-ching and Kuo

Chuan-ching's sentences are inappropriate.

6. Regarding the not guilty judgment rendered in favor of defendants Chen Shui-bian and Wu Shu-chen regarding the acceptance of NTD 300 million from Ku Chung-liang to profit themselves, such fact determination and law application are inappropriate.
7. Regarding additional charges indicted by the SPO against Chen Shui-bian and Wu Shu-chen regarding taking bribes NTD 10 million from Chen Min-hsun with the advantage of official posts, the judge rendered a judgment of case not entertained. The fact determination and law application of this part of the judgment are inappropriate.

Prosecutors are the representatives of public interest. According to the Code of Criminal Procedures, they should pay attention to all circumstances favorable or unfavorable to the defendant. Most of the fact determination and law application under first instance judgment regarding defendants Chen Shui-bian and others' involvement of state confidential expenses case, Lung Tan land purchase case, Nan Gang Exhibition Hall case, money laundering case and bribe-taking from Chen Min-hsun case are consistent with the incitement contents prepared by the Special Investigation Division of the SPO. Nevertheless, part of first instance judgment still contains inappropriate fact determination, law application and punishment determination, and should be retried by the court of second instance. Special Investigation Division of the SPO therefore filed an appeal against seven people including Chen Shui-bian within the statutory time period.

The Supreme Prosecutors Office