

Supreme Prosecutors Office News Release

1. In the case of bribery of Legislative Yuan members by the National Union Chinese Medicine Association for the purpose of promoting the Chinese medical practitioners' right to dispense drugs, on September 8, 2010 the Taiwan High Court found 8 legislative members including Chiu Chue-Zhen guilty of having received bribes in the course of carrying out their duties. The High Court's judgment reasons had also mentioned that separate investigations should be initiated against 30 Legislative Yuan members in 1996, including Su Tseng-Chang, according to law. However, after reviewing all of the investigation and adjudication files in that case, and having examined and compared the conclusions in detail, this Division has determined that it is not necessary to assign prosecutors to further investigate those members.
2. The results of review of the case files by prosecutors of the Special Investigation Division and official conclusions upon discussions are as follows:
 - (1) In the Anti-Corruption Statute case of 96-Year Te-Ta-Zi-1 against 24 suspects including Su Tseng-Chang, Lin Zhi-Jia, Liao Xue-Guang, Zhou Chuan, Zhan Chi-Xian, Su Huan-Zhi, Su Zhong-Xiung, Han Guo-Yu, Xie Chin-Zong, Chen Hong-Chang, Wu Ke-Qing, Chen Kuei-Miao, Yiu Hong, Cai Ming-Xian, Liu Cheng-Liang, Li Xian-Rong, Xiao Yu-Zhen, Peng Shao-Jin, Li Ying-Yuan, Wong Jin-Zhu, Zheng Bao-Qing, Yu Ling-Ya, Zhu Hui-Liang and Lai Lai-Kuen, investigations have found these Legislative Yuan members not guilty of violations of the Anti-Corruption Statute or other laws, and conclusion of the investigations had been approved on August 29, 2007. Public prosecution had been initiated with regards to violation of Article 5, Paragraph 1, Subparagraph 3 of the Anti-Corruption Statute by 8 defendants including Chiu Chue-Zhen; the Taipei District Court had subsequently issued judgment 97-Year Zhu-Su-Zi No. 1, and the High Court had issued judgment 98-Year Zhu-Shang-Su-Zi No. 6.
 - (2) In the High Court's judgment 98-Year Zhu-Shang-Su-Zi No. 6, the court had stated in its reasons that: This Court has not been able to adjudicate upon the acts of Legislative Yuan members Shu Zhong-Xiung, Su Tseng-Chang, Lin Zhi-Jia, Zhou Chuan, Liao Xue-Guang, Su Huan-Zhi, Yu Zheng-Xian, Huang Hong-Du, Hong Yu-Chin, Xu Tian-Cai, Chen Kuei-Miao, Yiu Hong, Cai Ming-Xian, Jian xi-Kai (name misspelt), Li Ying-Yuan, Liu Sheng-Liang, Han Guo-Yu, Li Xian-Rong, Zhu Hui-Liang, Chen Hong-Chang, Zheng Bao-Qing, Xiao Yu-Zhen, Xie Qin-Hong, Wong Jin-Zhu, Yu Ling-Ya (misspelt as Song Ling-Ya), Peng Shao-Jin, Wu Ke-Qing, Lai Lai-Kuen (name misspelt), Lin Feng-Xi and Guo Jun-Ming, as they had not been subject of a prosecution by the public prosecutors and were not accomplices of the defendants in this case; nonetheless, the public prosecutor should initiate separate investigations to determine

whether they had received any bribes in the course of carrying out their duties, or taken advantage of opportunities arising from their duties to fraudulently appropriate property or funds. However:

- a. After reviewing all of the investigation and adjudication files in that case, and having examined and compared the conclusions in detail, this Division has not found any new facts or evidence of violation of the Anti-Corruption Act involving the other 24 Legislative Yuan members including Su Tseng-Chang.
 - b. According to the payments table included in the case files, the National Union Chinese Medicine Association had paid Yu Zheng-Xian, Huang Hong-Du, Hong Yu-Qin and Xu Tian-Cai NT\$36,000 each in November 1997; had paid Jian Xi-Kai NT\$10,000 in August 1998; and had paid Lin Feng-Xi and Guo Jun-Ming NT\$20,000 and NT\$10,000 respectively in November 1998. The contents of this payments table had been shown to the witness Xu Qing-Song, chairman of the National Union Chinese Medicine Association, during the investigations in case 96-Year Te-Ta-Zi No. 1 by this Office and his explanations were sought. According to Xu Qing-Song, amounts over NT\$100,000 recorded on the payments table were possibly to thank Legislative Yuan members for pushing through the legal amendments. Yu Zheng-Xian, Huang Hong-Du, Hong Yu-Qin and Xu Tian-Cai had been candidates in the 1997 elections for mayors of Kaohsiung County Tainan County and Tainan City, and said NT\$36,000 were clearly election donations that did not exceed the statutory maximum of donations stipulated in the Election Act at the time. Payments to Jian Xi-Kai, Lin Feng-Xi and Guo Jun-Ming had all been made after the amendment to Article 103 of the Pharmaceuticals Act had passed its third reading on May 30, 1998, and were all made while Jian Xi-Kai, Lin Feng-Xi and Guo Jun-Ming were running in the Legislative Yuan members election. Therefore these payments were also purely election donations, and it is clear that allegations against Yu Zheng-Xian and the other 7 persons were fully investigated in the aforementioned investigation process.
 - c. Accordingly, the allegations against Shu Zhong-Xiung and the other 30 persons as mentioned in the High Court Judgment Zhu-Shang-Su-Zi No. 1 had all been duly investigated by the Special Investigation Division of this Office under case 96-Year Te-Ta-Zi No. 1. No facts or evidence have been found upon review of the full investigation and hearing files in this case.
3. With regards to the High Court judgment's reference to involvement in the case by 30 Legislative Yuan members, including Su Tseng-Chang, that part of the allegations has indeed

been duly investigated by the prosecutors. The High Court's statement in the judgment that "the public prosecutors should initiate separate investigation according to law" is possibly a kind reminder that prosecutors should ensure that they investigate all facts in accordance with their duties and powers, and cannot be considered an official complaint against those persons.

October 14, 2010

Special Investigation Division