



**Supreme Prosecutors Office
News Release**

Released on: December 27, 2012
Released by: Special Investigation Division

The Special Investigation Division (“SID”) of the Supreme Prosecutors Office has been investigating the case of alleged violations committed regarding the park establishment standards for purchase of the Hsinchu Science Park’s Longtan site, as instructed by the Control Yuan. The SID has not found that the defendants, i.e. former Secretary-General Liu Shi-fang of the Executive Yuan, and former chairman Wei Zhe-he of the National Science Council (“NSC”), were involved in any criminal liabilities. The prosecutor has concluded the investigations on December 22, 2012, and the investigation report states the following:

1. With regards to the defendant Liu Shi-fang:

- (1) The Supreme Court Judgment 99-Year Tai-Shang-Zi No. 7078 determined that the defendant had “knowledge”, but when one studied the full text of said judgment for evidence supporting such finding of Liu Shi-fang’s “knowledge”, one found only “withdrawing the official letter for further review”. As for the scope of his “knowledge”, there was no explanation of whether Liu Shi-fang knew of the fact that Li Jie-mu had received bribes, or of Chen Shui-bian’s direction that proposal one should be passed as soon as possible; nor was an official complaint lodged in respect of such finding according to law. Therefore, based on the principle of “choosing the lighter penalty when in doubt”, one deduces it is more likely that the Court considered Liu Shi-fang aware of the latter fact.
- (2) In this case, no evidence has been found to prove that the defendant Liu Shi-fang was aware that Chen Shui-bian, Wu Shu-chen and Li Jie-mu had received the commission of \$400 million. Accordingly, one cannot determine that he was an accomplice in the offence of corruption in the course of duties, or being personally guilty of the offense of enrichment.
- (3) The benefits obtained by Quanta and Dayu from this case were expedition of the administrative procedures for the former, and proceeds from sale of land for the latter; both constituted illegitimate benefits.
- (4) The defendant Liu Shi-fang had interacted frequently with former president Chen Shui-bian, and had visited the Presidential Office as many as 46 times during the period of this case (not including occasions where he was not accompanied by security guards). However, during SID interrogations of former president Chen and his wife Wu Shu-chen for other cases, neither mentioned whether they had given Liu Shi-fang any specific instructions on this case. Neither Li Jie-mu nor Cai OO testified that Liu Shi-fang had received any benefits from this case. With the exception of the responsible personnel of the Executive Yuan issuing the instruction for withdrawing the official letter, there was no other irregularity in the administrative procedures

involving the defendant Liu Shi-fang, and the SID has found no evidence of his being aware of any violations of the law as described above. Therefore, the SID cannot find that the defendant Liu Shi-fang has been guilty of any corruption or enrichment.

2. With regards to the defendant Wei Zhe-he:

- (1) The Supreme Court judgment found that the defendant Wei Zhe-he had carried out the relevant administrative procedures in accordance with Chen Shui-bian's instructions. While there was mention of "irregularity in administrative procedure" (issuing the approval before the park review committee meeting was conducted, and issuing the official letter even before the meeting was concluded), the judgment did not accuse the defendant Wei Zhe-he of "having knowledge" or "being aware of violating the law".
- (2) Neither Li Jie-mu nor Cai OO testified that Wei Zhe-he had received any benefits from this case. Therefore, while the defendant Wei Zhe-he had caused Quanta and Dayu to receive benefits by virtue of his official act, one could not directly find him guilty of the offense of corruption without violation of official duties.
- (3) The benefits obtained by Quanta and Dayu from this case were expedition of the administrative procedures for the former, and proceeds from sale of land for the latter; both constituted illegitimate benefits.
- (4) With regards to the administrative authorities' involvement in the Longtan site land purchase project, former president Chen Shui-bian had been the driving force for adoption of proposal one, and the Executive Yuan, the NSC and the Science Park Administration Bureau had then completed the required administrative procedures according to law. There was no evidence that the defendant Wei Zhe-he had any knowledge that former president Chen Shui-bian, his wife Wu Shu-chen, and the Science Park Administration Bureau director Li Jie-mu had received bribes. One cannot find him guilty of being an accomplice in corruption or enrichment, merely on the ground of his expediting the administrative procedures for the case in accordance with his superiors' wishes.
- (5) While Wei Zhe-he's administrative acts in this case were not without defect, there was no evidence of his having known that he was acting contrary to law, as described above. Therefore, one cannot find him guilty of the offense of enrichment.