

Supreme Prosecutors Office News Release



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In terms of the resolution by the Prosecutor's Evaluation Committee ("PEC"), we hereby seriously declare as below:

With regard to PEC's resolution: 1. It is necessary to discipline the evaluated party, Huang, Shih-Ming, who will be referred to the Minister of Justice for forwarding to the review process of the Control Yuan. Severance is the suggested option for the resolution of the foregoing review progress. 2. It is necessary to discipline the evaluated party, Yang, Jung-Tsung, who will be referred to the Minister of Justice for forwarding to the review process of the Control Yuan. Reprimand is the suggested option for the resolution of the foregoing review progress. 3. It is necessary to discipline the evaluated party, Cheng, Shen-Yuan, who will be referred to the Minister of Justice for forwarding to the review process of the Control Yuan. Warning is the suggested option. 4. The evaluated party, Chen, Shou-Huang, is referred to the Minister of Justice for approval and disposal, and a warning is the suggested option. 5. Lin, Hsiu-Tao is referred to the Minister of Justice for forwarding to the review process by the Prosecutorial Personnel Review Committee and a warning is the suggested option. In terms of PEC's irrational resolution based on a material violation against objectivity and neutrality of fundamental ethics, we seriously declare our rejection, and feel regretful and pained. Below are our reasons:

1. Peng, Wen-Cheng, a member of PEC for cases including Chien-Ping-Zi No. 16, 18, and 19, and a spokesman as well, clearly acknowledged that the members of the PEC shall, before and after submitting the resolution, **keep confidential** against discussion, content, process, resolution of evaluation and other legal confidential affairs with regard to meetings, and **shall not disclose the same, pursuant to Article 10, Regulations of the Prosecutor's Evaluation Practice.** However, on the purpose of violating the above Regulations, on November 3rd, 2013, he hadn't only interrogated the prosecutor Cheng, Shen-Yuan, and the public prosecuting affairs official, Ho, Chi-Fei, and recounted their statements, during the inquiry, as: "... due to the sharpness of questioning by the member of committee, part of the witnesses blushed, spoke evasively, and even were left

speechless....”(see the electronic news released by the Central News Agency on PM 3:43, November 3rd, 2013); but also, when he interrogated the prosecutor Cheng, Shen-Yuan, and the Prosecutor General of the Prosecutor’s Office, Mr. Huang, again on the 10th of the same month, had confirmed to the media that “In the meeting, Cheng had spoken sternly, out of a sense of justice, that “Please evaluate as you wish, but don’t disclose our reflections inside, which is unfair to us” (see the news released by ET News on November 10th, 2013), “(stated by the Prosecutor General) Those stuffs, which were the basis of the prosecution filed by the Taipei District Prosecutor’s Office, were wrong, so that he consistently, in a lofty tone, maintained his opinion that it was for the justice of judicial system.” (see the news released by TVBS on PM11:48 November 10, 2013), “Peng, Wen-Cheng indicated that Mr. Huang denied the fact prosecuted by the Taipei District Prosecutor’s Office and the prosecution against him was wrong. However, some members of the PEC raised their suspicions in a different dimension” (see the news released by the Liberty Times on 19:05:23 November 10th, 2013), “Peng, Wen-Cheng, the spokesman of the PEC, expressed that Huang, Shih-Ming didn’t agree with the Taipei District Prosecutor’s Office prosecuting him against leakage and etc., and he, in a lofty tone, stated that whatever he did was to protect justice of the judicial system. But the members of the PEC separately had their own opinion...” (see the news released by the China Times on AM 5:30 November 11th, 2013). In addition, when the Prosecutor General of the Prosecutor’s Office, Mr. Huang, attended the meeting of inquiry on time in accordance with the PEC’s notice issued on November 13th, 2013, again to the media, he provided the wrong statements “Against the questioning by the Civil Judicial Reform Foundation, Huang, Shih-Ming recently not only provided a written response but also positively requested that he attend this meeting to explain.”(see the news released by the Liberty Times news on AM 6:10 November 26th, 2013, and the news released by the Central News Agency on PM 2:47, the same date). The above statements were published during the PEC’s investigation and before the resolution, so that it is inevitable that the PEC’s evaluation has been set up in its standing, and is unworthy.

2. Further, the chief member of the PEC positively disqualified himself due to his serving as the general consultant of the Prosecutor General of the Prosecutor’s Office, but why did part of the PEC members not apply for disqualification themselves owing to their being important members of the Civil Judicial Reform Foundation? This is obviously unfair.
3. With regard to the Prosecutor General, Mr. Huang, the director Yang, Jung-Tsung, and the prosecutor Cheng, Shen-Yuan, didn’t violate any item pursuant to Article

5 of the Regulations of the Prosecutor Evaluation Practice. We had presented proof in the previous oral and written statements. Contrary to the facts, the PEC had made irrational resolutions notwithstanding, which made it lose its objective and neutral standing.

4. The facts and evidences with regards to the violations against the Guidelines of Prosecutor Ethics by the chief prosecutor Chen, Shou-Huang and the prosecutor Lin, Hsiu-Tao are confirmed (as to concerned detail, please refer to our new release on September 14th), the lobby on judicial cases in fact had caused the power of the judicial reputation to deteriorate deeply and strongly. PEC has also confirmed that “the chief prosecutor Chen, Shou-Huang had admitted the President of the Legislative Yuan, Wang Chin-Ping, and then lobbied with the prosecutor Lin, Hsiu-Tao”, but the PEC only suggested that the Minister of Justice had approved and disposed it and the Prosecutorial Personnel Review Committee just decided to give only a warning as a sort of lighter punishment, which offended the civil feelings of the legal affairs. It is obvious that the PEC had totally lost its objective and neutral standing.