

## Supreme Prosecutors Office News Release



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**A member of the public has lodged a complaint that Ma Ying-jeou and Wu Den-yih, being candidates for the election of 13<sup>th</sup> term President and Vice-president of Taiwan, had distributed commemorative plates valued at NT\$91 each at a fundraising dinner on December 14, 2011, which constituted bribery in an election; furthermore, that the proceeds of corruption by the Nantou County Mayor had been paid to Ma and Wu's election headquarters to help fund the election campaign. The Special Investigation Division (SID) has found no substantive evidence of the alleged offenses, and accordingly has concluded the investigations on February 11. Below is an explanation of the investigations and results:**

### **1. Background**

The informant in this case believed that the defendants Ma Ying-jeou and Wu Den-yih had violated the *Presidential and Vice Presidential Election and Recall Act*, primarily on the basis of media reports that the Zhanghua District Prosecutors' Office ("ZDPO") Indictment of Zuo O-zhong, the younger brother of Zhanghua County Mayor Zuo Bo-yuan, for violations of the *Anti-Corruption Act* ("the Zuo Case") had stated: "The fundraising dinner distributed 1,300 commemorative plates, valued at NT\$91 each". The informant believed that this violated the Ministry of Justice's rule against campaign materials and items exceeding NT\$30 in value. The informant also cited media reports stating that the Nantou District Prosecutors' Office ("NDPO"), while investigating alleged corruption by Nantou County Mayor Li Zhao-qing ("the Li Case"), had discovered that Li Zhou-qing had served as the campaign manager at Ma and Wu's Nantou campaign headquarters during the 2012 presidential elections; Li OO, a technician with the Public Works Department of the County Government, had delivered NT\$500,000 of the bribe for construction work to Li Zhou-qing's cousin, Li O-hua, to be passed to Ma and Wu's Nantou campaign headquarters as campaign funds.

**2. Regarding whether distribution of commemorative plates constituted election bribery**

After reviewing the ZDPO's files in matter Zhen-Zi No. 10631 of 2012 regarding the Zuo Case, and having interviewed relevant witnesses, the SID concludes as follows:

- (1) According to witness Ying OO, being the responsible personnel responsible for approving payments at the Ma-Wu campaign headquarters, while auditing in February and March 2012, he had rejected a number of receipts submitted for reimbursement by the Zhanghua campaign headquarters either because the unit prices were too high, or the total quantity too large, which he considered to be either questionable or inappropriate. The receipt for NT\$6,000,000 worth of commemorative plates was returned to Zhan OO without being approved for reimbursement. The above clearly indicates that the purchase of said commemorative plates had not been reviewed by, consented to, or retroactively approved by personnel from the defendants Ma and Wu's campaign headquarters. It is by no means certain whether the defendants Ma Ying-jeou and Wu Dun-yi were aware of the purchase beforehand, or had given directions for the deliberate act of giving the plates as a bribe for voting in their favor.
  
- (2) According to the sales invoice records of Hong O Porcelain Limited ("Hong O") with regards to the sale of Ma Ying-jeou's commemorative plates, which were seized in the Zuo Case, the unit cost of said commemorative plates was only NT\$91, comprising of NT\$18 for colored paper, NT\$20 for electronic etching, NT\$15 for the box, and NT\$38 for the unpainted plate. According to the statements of witnesses Lui OO and Huang OO, as well as the defendant Zuo O-zhong in the Zuo Case, they could not recall the exact price of the dinner tickets, but estimated that they were around NT\$1,000 to NT\$3,000. Those who attended the dinner had donated at least NT\$1,000 and perhaps up to NT\$10,000 by purchasing the tickets, which far exceeded the costs of the meal and the souvenirs. Their recollections were generally consistent with the China Review report included in the case file, which stated that the fundraising dinner had been attended by more than 1,000 people, who had paid

NT\$10,000 per table. Clearly the giving of commemorative plates to the attending guests as souvenirs for the December 14, 2011 fundraising dinner, each plate being valued at only NT\$91 and far less than the dinner ticket donation of more than NT\$1,000 each, can hardly be objectively construed as a possible attempt to influence the voting of the supporters by the gift of the commemorative plates. One cannot directly conclude that the defendants had deliberately sought to buy votes, merely on the basis of the commemorative plates costing more than NT\$30 each.

- (3) The commemorative plates in this case were all printed with a portrait of Ma Ying-jeou and the Chinese characters for the word “to strive”, mentioned by President Sun Yat-sen of National People’s Party (Kuomintang, “KMT”), as evidenced by the photograph of the commemorative plate on file. It is apparent that the plate is highly geared towards certain political figures and parties, and has minimal liquidity and resale value in real life; those who are not faithful supporters of said Party may even consider it mere rubbish. Generally speaking, those who voluntarily purchase tickets to political party fundraisers would already be faithful supporters of such party’s philosophy, and would have intended the costs of their tickets to help fund such party’s election campaign. Therefore, it is difficult to conceive that the gift of said commemorative plates by campaign staff during the fundraising dinner could constitute a form of monetary consideration for influencing voting behavior by the party’s supporters.

### **3. Regarding construction work bribes from the Li Case being diverted to Ma-Wu campaign headquarters**

After reviewing the NDPO’s files in matter Zhen-Zi No. 4223 of 2012 regarding the Li Case, and having interviewed relevant witnesses, the SID concludes as follows:

- (1) The SID has reviewed the NDPO’s files in matter Zhen-Zi No. 4223 of 2012, including the transcripts of interrogations of Li OO, Li O-hua, Liao OO and Sun OO, and information on details of kickback paid that was restored from computers seized in the case. Li OO, Li O-hua, Liao OO (the construction company owner who had paid the relevant donations, who has not been indicted) and Sun OO (subject to a postponed

indictment decision) had testified regarding public servant with the Nantou County Government seeking bribes from contractors, details of the acceptance of bribes, and Liao OO and Sun OO having delivered funds (that they intended to donate to the Ma-Wu campaign headquarters) to Li OO to be passed to Li O-hua, who would then deliver the funds to the Ma-Wu campaign headquarters. However, the SID has not found in the testimonies any mention of “after the public servant of the Nantou County Government received bribes from contractors, he would pass the money on to Ma-Wu campaign headquarters of Nantou County”, “Li OO told the prosecutor that Li O-qing had instructed him to give the money to the Mayor’s cousin Li O-hua, and Li O-hua would then donate it to the Ma-Wu campaign headquarters to help fund the election campaign”, as alleged in the aforementioned news report; nor are there any accounting records, or any other facts or evidence, to prove that the relevant bribes had been paid to the Ma-Wu campaign headquarters. Therefore, it is not by any means certain whether the construction work bribe referred to in the case had indeed been channeled to the Ma-Wu campaign headquarters.

- (2) The SID has also interrogated witnesses Li OO, Li O-hua, Sun OO and Liao OO, who testified as follows: In November to December 2011, Li O-hua was a manager of the Caotun OO Temple, and had solicited Liao OO for campaign donations to the Ma-Wu election campaign. As Wu Den-yih was a former mayor of Nantou County who had taken excellent care of his county people, Liao OO had immediately asked Sun OO to join him in making a donation. Li OO is a cousin of Li O-hua who worked at the Nantou County Government, and who often met up with Liao OO and Sun OO. Liao and Sun had therefore separately given NT\$500,000 each to Li OO, asking Li to pass the funds on to Li O-hua as contributions to Ma-Wu’s campaign headquarters. Li O-hua was the one to pass on the contributions to the campaign headquarters, because he was initially the one to solicit for the donation. Since Liao OO and Sun OO did not want to be labeled as supporters of any particular political party at the time, they had both indicated that no receipts would be required; the donations had no connection whatsoever to the public works handled by Li OO. Li OO had not taken advantage of his handling of the Nantou County Government public works to solicit bribes from contractors, that were then passed on to the Ma-Wu campaign headquarters; nor did Li Zhao-qing ever ask Li OO to solicit for donations from contractors of

public works to help fund the election campaign. When Ma and Wu were subsequently elected, the Vice-President had visited Nantou to host a tea party in thanks for the votes he received, and Li O-hua, Liao OO and Sun OO had attended the tea party as well as taken photographs with Vice-President Wu. Clearly the donation funds were paid by Liao OO and Sun OO as a result of Li O-hua's solicitation, and they had voluntarily delivered the donation to Li OO and Li O-hua to be contributed to the Ma-Wu campaign headquarters. The funds were unrelated to the construction bribes paid in the Li Case.

- (3) The informant has not provided any substantive details regarding how the defendants might have used non-transparent construction bribes for vote buying, or using gifts to buy votes, that might enable the SID to conduct further investigations. Therefore, one finds it difficult to accept the informant's allegations, made in reliance on the aforementioned media reports, that the said funds had come from the Nantou County Mayor Li Zhao-qing's corruption, that were channeled into the Ma-Wu campaign headquarters.

#### **4. Conclusion**

Based on the above, the SID has found no prior knowledge or instruction on the part of the defendants Ma Ying-jeou and Wu Den-yih regarding any deliberate intention or act to gift the plates for vote buying. In addition, the value and liquidity of the aforementioned plates are so low that they can hardly constitute consideration for influencing voters' voting decisions. With regards to fundraising for the Nantou County election campaign, the SID has not found any vote buying using illegal construction bribes received, or any giving of gifts to buy votes; it is therefore difficult to substantiate any facts of criminal conduct adverse to the defendants. There is no other positive evidence to indicate that the defendants have violated Article 86, Paragraph 1 of the *Presidential and Vice Presidential Election and Recall Act*, and therefore there is insufficient evidence to find the defendants guilty of the alleged offense.