



Press Release

Taiwan Taipei District Prosecutors Office

Release Date: Mar. 22, 2019

Media Contact: Deputy Chief Prosecutor

Contact number: (02)23146881

The investigation over the largest cash-bribery case in the history of our jurisdiction and the first one in Township councilor election within the year was finalized. Here are some takeaways of the results.

1. Indictment

Pursuant to article 99, section 1 of the Civil servant election and the Recall Act, which prohibits candidates from buying votes, Taiwan Taipei District Prosecutors Office(TTDPO) decided to press charges against sixteen defendants, Wu, Bai, Bai, Li, Yu, Huang, Lin, Lu, Ge, Yen, Ho, Lin, Chang, Chen, Jian, Tsai . Defendant Lin, Lu, Chang were indicted for buying votes in Chair and Vice Chair of Township council election, pursuant to the article 99, section 2 of the same Act. As for the thirty-six voters receiving bribes, our office considered it appropriate not to indict them.

2. The Facts

The township mayor and councilor election in Wulai Indigenous District of New Taipei City was held on November 24, 2018. Given its small number of voters, ballots needed to win the election is not high. The race usually gets quite tight with more candidates than actual seats. Craving for victory in the election, the

aforementioned defendants conducted the followings:

(1) Township councilor election:

a) Defendant Wu was a candidate of township councilor election in the first electoral district of Wulai. Defendant Bai was the safeguard of "Tien-Kou Apartment Complex", who was also a vote broker for defendant Wu, so were Bai's wife, another defendant Bai, Li, Yu, and Huang. To win the election, the defendants conspired to bribe nine voters with NTD 5000 to 10000 per person in cash. The crime proceeds of total NTD 140,000 were forfeited.

b) Defendant Lin was a candidate of township councilor election in the first electoral district of Wulai(Chongchi village) as well. Defendant Lu was the president of Fong Huang Construction LTD., while defendant Ge was a staff of the company. Defendant Yen was the owner of "Fei Chie Karaoke" and the cohabiting partner of defendant Ge. Defendant Chen was the officer of Wulai district township. In order to win the election, the defendants conspired with defendant Ho, Lin, Chang to bribe two voters with NTD 10000 per person perpetrated by defendant Lu and Ge and to bribe other two voters with NTD 10000 to 17000 perpetrated by defendant Ho. In addition, defendant Lin, Chen and Chang bought votes from twenty voters with NTD 10000 per person in exchange of voting for Defendant Lin, the candidate. The crime proceeds of total NTD 367,000 were forfeited.

c) Defendant Jian was the former chair of Wulai Township council and a candidate of the township councilor election of the second electoral district (Wulai village and Hsiaoyi village) in Wulai. In order to win the election, he conspired with defendant Tsai to bribe seven voters with NTD 5000 per person in exchange of

voting for Jian. The crime proceeds of total NTD 50,000 were forfeited.

(2)Chair and vice chair of Township council election:

a)Defendant Chu and Shen were candidates of the township councilor election of the second electoral district in Wulai. Mr. Huang, who was not indicted, was a candidate of the third electoral district and Zhong was a candidate of the fourth electoral district. Despising the current chair Jian and craving for replacing him, Huang allied with defendant Lin to run for chair and vice chair of the council. The majority of the council required four votes from its councilors. Huang and Lin already had two votes in hand and only two votes away from victory. After a careful estimation, defendant Lu and Lin decided to buy votes from candidates Chu and Zhong, who were also current councilors, for their higher possibility of winning the councilor election. Defendant Lu and Lin planned to bribe Chu and Zhong with 1 million NTD per person in return of their voting for defendant Huang and Lin in Chair and vice-chair election.

b)After Chu was elected as the councilor, defendant Lu reduced the bribe to 700,000 NTD in fear of the investigation initiated by the police and prosecutors. On November 27, 2018, defendant Lu made a deal with defendant Chu of buying his vote for 700,000NTD. On November 28, 2018, Lu gave Chu's nephew, Li, the bribery in cash to further delivery it to Chu. Yet, **Li did not meet Chu** afterward which made the relative defendants conducted only illicit deal of vote-buying.

c)Aware of Zhong's losing the election, defendant Lu conspired with the former township mayor of Wulai, defendant Chang, who was then an indigenous councilor of New Taipei City, to bribe Mr.Shen with 700,000 NTD in return of his voting for defendant

Huang and Lin. Defendant Lu gave the bribery to a staff of "Wulai Spring Resort" and defendant Chang tested Shen of his willingness to accept the bribery. However, Shen turned down the offer.

d) During the investigation, with defendants handing over the crime proceeds, total of 1.4 million NTD were forfeited.

3. The investigation and evidence for the indictment

(1) Due to the small number of qualified voters in Wulai district, votes needed to win the election is not high. The race gets really tight when there are more candidates than actual seats. Therefore, election bribery issues are critical in the said electoral district. To ensure a fair election, the Chief Prosecutor of TTDPO, accompanied with head prosecutors and prosecutors in charge, chaired a meeting at Wulai district police station to exchange information with the police. The chief prosecutor instructed the members of the investigation team to build an intelligence network and to estimate the probabilities of election bribery in different parts of the electoral district. Given that the relative crimes of election bribery were usually being done behind the curtain, the investigation of our office once was in a bit of stalemate. However, our office cooperated with New Taipei city Branch of Investigation Bureau and Xindien police office to conduct constant surveillance and to collect tens of thousands of contact records, abundant surveillance footage and information from police informants, we successfully tracked down numerous perpetrators in this case and initiated searches and arrests. The largest election cash-bribery in the history of our jurisdiction and the first one in Township councilor election within the year was busted.

(2) The aforementioned defendants all plead guilty during the

investigation. Total 195,700 NTD used as the bribes alongside other evidence, such as surveillance footage, is sufficient to prove the defendants' guilt beyond a reasonable doubt .

(3) Our office decided to press charges against defendant Wu and other eighteen vote brokers. Thirty-six voters, such as defendant Huang, have confessed to the crime and showed their deep remorse. Furthermore, the voters did not have any prior criminal record and all handed over the crime proceeds, our office considered it appropriate not to indict them.

4. Opinions about sentencing:

(1) A fair election is the cornerstone of democracy and it has great impact on the integrity of nation's politics. Voters should be able to choose candidates by their capability, conduct, knowledge, integrity and manifesto. Bribery in election deeply sabotages our democracy and the fairness of election. The Defendant Wu and others were aware of it, however, they ignored the provisions of laws and the cruciality of anti-election bribery emphasized by the government for a long time, knowingly bribed voters in order to win the election. Nonetheless, they all plead guilty during the investigation, therefore, we recommend the Court to sentence a proportionate punishment.

(2) As for Defendant Lu, though he plead guilty and cooperated with the investigators afterwards, he was the main perpetrator and mastermind of the crime. The bribe offer by himself solely reached 1.47 million NTD. Thus, we recommend the court of sentencing higher punishment to him than others.

(3) Defendant Lin and Chang denied some parts of the illicit conducts, showing no remorse after the crime was revealed. In addition, defendant Lin involved in many election bribery, and

buying votes from twenty-four people with 430,000 NTD. Therefore, we recommend the Court to impose the sentence of three years and six months incarceration respectively for the two charges against him. Defendant Chang was the former mayor of Wulai township (the tenure was from March,1 2002 to February 28, 2006), who should have higher respect to the laws and bear greater responsibility of ensuring the democracy and law-abiding of local politics. However, during his tenure as the township mayor, defendant Chang committed the crime of corruption and was sentenced to five years incarceration. He was released on February 19 2017 on parole. He conducted illicit election-bribery in the chair and vice chair election of Wulai township council within two years after parole, causing great damage to fairness of election in Wulai district. He sabotaged our democracy and the fairness of election while holding the position of the township mayor of Wulai, which indicates the seriousness of his crime. Therefore, we recommend the Court of imposing the sentence of four years in carceration.