Sexual Abuse and Domestic Violence Cases



These cases were all sorted by Ho Wen-Chun, Prosecutor Investigator, from "10 Sexual Abuse and Domestic Violence Cases"; the painting: Mother's Love, Liang Dan-Feng, National Library

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I. The Abused Boy: How Well Do You Know About the Protection of Children's and Youths' Welfare and Rights?

Wang Pei-ju¹

Case brief

A-long and Xiao-fang was a couple who lived together with marriage. Xiao-fang was the biological mother of a two-year old, Han-Han, whose father was incarcerated because of drug offense. A-long was a drug dealer and Xiao-fang was wanted. Both of them were addictive to drugs and used them on a regular basis. In October, 2011, A-long took Han-han away from home in excuse of shopping and asked his minions, A-shan and Da-xiong to look after the boy. Since then, the gang had beaten Han-han multiple times which led to several injuries such as scratches and bruises and falling off of one of his toenails. On October 29, 2011, the gang even forcefully fed the boy with amphetamine, a category 2 narcotic. Disturbed by the fact that the boy would not stop crying due to the pain from the injuries, they even fed him heroine, a category 1 narcotic. On October 31, while the gang was driving to New Taipei City, unable to endure Han-han's continuous crying caused by the pain from the former tortures, with intent of homicide, the gang grabbed Han-han's arm and forcefully injected heroine to his body, which led to an overdose and resulted in the death of the boy. After the

餵毒拔指虐死童 主嫌求處極刑

怕吵鬧引來追緝 竟強打海洛因、鐵鎚敲鼻梁、尖鉗夾手指…起訴4人求重刑 媽看新聞才知兒已死



Page A6, January 4, 2012, United Daily News

investigation by this office, the gang was prosecuted by homicide, and was convicted to death by the Taipei District Court. However, the defendants appealed to the High Court. The High Court found that the gang did not have intents to kill and overruled the verdict to a 30-years of imprisonment. The following appeal was dismissed by the Supreme Court and the ruling was finalized.

^{1.} The author is Prosecutor, Taiwan Taipei DPO

After the death of Han-Han, awareness toward children and youths protection surged in Taiwan, which drove the evecutive, legislative and judicial departments to focus on the rights and protection of children whose parents are charged with drug-related crimes. In August 2012, Article 54-1² of the Protection of Children and Youths Welfare and Rights Act was amended. Provisions set forth the responsibility for law enforcement and judiciary staff to follow up on the status and care received by children whose parents have been charged with or are serving prison terms for drug crimes. After Article 54-1 was approved, prosecutors on duty or the lead prosecutors who find defendant being wanted, detained, observed, in rehabilitation or imprisoned shall inquire the defendant in each case whether assistance from social workers is needed and whether investigation of the child's living condition and care quality should be conducted. Families that require assistance shall fill out the form from Taiwan Taipei District Prosecutors Office for children protection and reporting of high-risk families. Social workers shall be notified to fully implement the objectives set forth in the said Article.

^{2.}Article 54-1 of The Protection of Children and Youths Welfare and Rights Act –

If the child's parents, custodian or any other person taking care of the child violates the Anti-Drug Control and Prevention Ordinance and is thus wanted, detained, observed, forced to give up the drugs or imprisoned, the judicial police officer, judicial police, prosecutor or the judges shall investigate the child's living condition and care quality.

In the case that the judicial police officer, judicial police, prosecutor or the court judge investigates the case as mentioned above, and is informed that the child is now facing any of the circumstances stipulated in Article 53 (1) or Article 54, he/she should report it to the government authority at the municipal and county (city)

II. The Collapse of a Transnational Empire of Prostitution: Challenges in Current Enforcement of the Human Trafficking Prevention Act

Taipei Women's Rescue Foundation³

太太求刑5年

【記者王聖藜/台北報導】

北台灣「太太應召站」主持人 媒介台灣女子到澳洲賣淫,從中抽佣,檢調今年4月發動偵辦,台北地檢署上午偵結,將 、共犯 、 依人口販運防制法、妨害 風化罪起訴,其中, 遭求刑5年。

值查前期,檢方認為 有串證、逃亡之虞聲押她,但被法官以賣淫女子犯罪行為在外國且台灣不具司法審判權為由,駁回聲請,值查士氣受挫: 獲釋後,欲自高雄小港機場逃亡,被檢警攔截,檢方再據以向高院抗告,羈押她迄今。

起訴指出, 自97年7月起刊廣告,媒介台灣女子去澳洲賣身,向每名女子收500到1500元澳幣不等的介紹費,再由當地的共 犯將她們帶往雪梨、墨爾本、阿塔爾蒙等高級飯店賣淫,視性交易時間長短,收取10到20元澳幣的佣金。

Page A8, June 24, 2010, United Evening News

^{3.} The author is Taipei Women's Rescue Foundation



Case brief

The way Feng cooperated with the foreign prostitution businesspersons was the concept of division of works. Feng was responsible for soliciting girls by publishing advertisements on newspapers and explaining the content, venues, salaries of overseas' prostitution works. She also help them with visa and purchase of flight tickets. Once the girls arrived at the destinations, local businesspersons would arrange transportation and lodging. From July 23, 2008 to January 30, 2010, Feng had successfully flew a couple of male customers to the destination countries and arranged prostitution with the aforementioned girls countless times. Feng, her foreign partners, local businesspersons and the sex workers then divided the profits proportionately. The foreign prostitution businesspersons took advantage of the vulnerability of these sex workers who were unfamiliar with the foreign environment in the destination

counties. They installed surveillance cameras and locked the door from the outside in order to control the girls. Moreover, they offered only one meal a day so that the girls had got to grab instant noodle to stop the feeling of hunger. These led to some girls to call back to Taiwan to Fang and asked for help. Knowing that the girls were trapped in somewhere abroad, Feng did nothing in response. After the investigation, the prosecutor prosecuted Feng with the crime of making others commence sexual intercourse with profits and human trafficking by taking advantage of others helpless condition and making them commence sexual intercourse. After the trial, Feng was sentenced to imprisonment of 1 year and 8 months in violation of making others commence sexual intercourse with profits. However, regarding the charge of human trafficking, the court ruled the prosecutor was not able to establish the fact of exploitation, hence acquitted that part.

III. Sexual Videotapes: the Need for a Law Over "Distributing Intimate Sex Images Without Consent"

Taipei Women's Rescue Foundation⁴

歌判囚22年10月

林偉信/台北報導

富少淫魔被控迷姦性侵案,部分判刑確定。最 高法院雖將他被控性侵9名女子部分撤銷發回更審, 但性侵另5名女子部分,佐以偷拍光碟內容,認定犯 行明確,且犯後沒有悔意,昨日駁回上訴,依5個乘 機性交罪,判刑22年10月確定

5個乘機性交罪確定

偷拍部分,高院去年認 定他對19人偷拍,將他判刑3年2 月確定, 已入獄服刑。刑事附 帶民事賠償部分,高院判李須賠 償被害人2745萬元,最高法院刑 庭昨日將此部分移由民庭審理。

- 消瘦 律師:判決不公

的律師 表示,司法受 很多輿論和媒體渲染影響,所引 用的證據法則有所偏差,對 判決不是很公允,全案仍有部 分撤銷發回更審,未來他會繼續 祕密罪判3年10月、恐嚇罪判拘 努力。前天他去看過 瘦了一點,但精神狀況不錯,過 名被害人1425萬元、性侵21人部

幾天會再探視 : , 商討後續訴訟

仍有性侵案發回更審

這起震驚社會的性侵偷拍案, 檢方當初起訴 涉嫌性侵包 括知名藝人、女模、通告藝人在 內的30人,並用攝影機和手機偷 拍34名女子性愛過程,求刑266 年6月,合併執行有期徒刑最高

北院一審只認定9人被性侵、 15人被偷拍, 依乘機性交罪判 合計刑期22年10月定讞 應執行有期徒刑18年6月;妨害 役40天,可易科罰金。另判賠12

高院審理後痛斥李犯 行惡劣、膽大妄為,撤 銷北院判決,改認定 對 14人性侵、19人偷拍,依 乘機性交、強制性交等罪 ,將 重判79年7月,執行有 期徒刑滿貫刑度30年。

案經上訴,最高法 院認為, 被 控性侵9人觸犯10 罪部分,判決事 實與偷拍光碟內 容明顯不同,部 分超過檢方起訴 節圍,屬訴外裁 判,也未讓 踐 行詰問程序,因 此撤銷判決,發 回高院更審。性侵 5人部分則駁回上訴, 分別判刑4年到4年10月, 。這五罪,執行檢察官 未來會聲請高院定執行刑 , 實務上約在10年到15



Page A8, October 24, 2015, China Times

Case brief

Wang tended to utilize his background as the offspring of a wealthy family and hung around at nightclubs in Xinyi District in Taipei City. Profiting from this lifestyle, he got to know many girls and dates them. However, unkind thoughts sprouted from his mind. From June, 2010 to September, 2011, he committed sexual assault to 20 some girls either by force or by drugging them until they were unconscious or under influence of intoxication. He even secretly filmed the private activities of their sexual intercourses and the girls' private parts without consents. After the investigation, Wang was prosecuted by this office with aggravated sexual assaults by force, sexual assaults by taking advantage of victims' intoxication condition, violation of secrecy. The court found that Wang was guilty of sexual assault by taking advantage of victims' intoxication condition and violation of secrecy. Wang was sentenced to imprisonment of 22 years and 4 months, and 39 years and two months respectively.

^{4.} The author is Taipei Women's Rescue Foundation

IV. The Forbidden Love

Gu Hui-Zhen⁵

Case brief

Hao-ge and Qing-fen were a couple living together. The two and Qing-fen's daughters, from a previous relationship, Xiao-jing, Xiao-jin and Xiao-ji, and the niece of Qing-fen, Xiao-ting, were living at the same place. Hao-ge, who knew that Xiao-ting was still under 14 years old, sexually assaulted Xiao-ting on one day in July of 2013 by putting his fingers into Xiao-ting's vagina while they were alone in the house. Qing-fen's younger brother, who knew that Xiao-jing was under the age of 14, had consensual sexual intercourse with her on one day in August the same year and made Xiao-jing pregnant. On September 12, 2014, Hao-ge and Xiaojin accompanied Qing-fen to the hospital for the delivery of her baby, and he caressed Xiao-jin at the guest waiting room. The prosecutor of the case notified and requested the hospital for submitting the umbilical cord and saliva of Xiao-jing's

baby for DNA comparison during the investigation. Although the doctors agreed to help, they informed Xiao-jing prior to the evidence gathering procedure, making the whole investigation more difficult. Later on, the prosecutor charged against Hao-ge for the violation of the Criminal Code, for having consensual sexual intercourse with a minor under the age of 14 and obscene behaviors. Qing-fen's younger brother was also charged for his consensual sexual intercourse with a minor under the age of 14. They were all found guilty by the court. Hao-ge was sentenced to three years six months and eight months, respectively, for the two violations, and confirmed to serve a term of three years and ten months. As for Qing-fen's younger brother, he was sentenced to three years and six months for sexual intercourse with a minor under the age of 14.

5. Written by Head Prosecutor Gu Hui-Zhen

V. "Salt" to Speak,
It Will Come Out in the
Wash - Opportunities
for Protection Lie in the
Search for Truth in the
Children's Life Journey

Dr. Lu Li⁶

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Case brief

Ya-fang and Shu-mei were sistersin-law who lived together. Ya-fang had long been resentful of Shu-mei. In pursuit of revengeance and to outburst her resentment, while nobody was watching, Ya-fang intentionally added a handful of sea salt or fine salt four times in three cans of formula which were prepared to feed to Shu-mei's newborn daughter, le-le, during September 18, 2013 to October 15, 2013, knowing that consumption of excessive salt would deteriorate the health of the infant who was born on August 20, 2013, and foreseeing that highly accumulated sodium would endanger her life. Being ignorant to this fact, Shu-mei and her mother-inlaw had fed Le-le with the contagious formula, causing Le-le jaundice, fever and diarrhea, and being sent to the hospital several times. Without being aware of it, the nursing personnel of hospital also kept on feeding Le-le with same contagious formula. Excessively consuming of salted milk for a long period has finally caused Le-le hypernatremia. Le-le eventually died of multiple organ failure on November 15, 2013 after intensive care from paramedic. After investigation, prosecutor of Taiwan Taipei District Prosecutors Office found Yafang did it with intent of killing people,

王己由、張立勳/台北報導

震驚社會的鹽奶殺嬰案,高院合議庭仍認為女嬰 「」 」的大伯母 ,因與 母親妯娌不和 ,就在 奶粉中4度摻鹽報復,結果造成高血鈉 死亡, 並無殺人故意, 昨判決上訴駁回, 維持一審 依傷害致死罪,重判 女有期徒刑20年。

作未到庭聆判。她的律師指出,對高院判 決結果沒有意見,但 被羈押後至今每周寫一 封「道歉信」給 父母,也確實有真誠的悔意, 判20年仍過重,會上訴最高法院。

母親 獲知審判結果僅表示,尊重判決 ,她去年已跟丈夫 般出婆家,沒有再回去過 ,也無任何聯繫, 說,「我只想過我的生活,因 為身體不好,未有懷孕生子的計畫。」 ,他已經不再對這件事作任何回應。

前年11月間,3月大的女嬰,因高血鈉症死 亡,檢方追查後,認為 因與 母親不合, 就在 奶粉中4度掺海鹽、精鹽報復,導致 死亡,依殺人罪起訴 女。

台北地院一審認定, 女是因和 女間的妯娌關 係,平日相處不睦、生活發生誤會,產生怨懟,才 萌生報復念頭,並沒有殺人犯意,因女嬰身體未發 展成熟,對鹽份耐受性低,致發生死亡結果,變更 起訴法條,依傷害致死罪重判 女20年徒刑。

檢方和 女都不服,上訴高院,合議庭認為,司 法實務上以鹽作殺人手段也屬罕見,■僅高職畢業 ,且無醫學專長,也無類似前例可供參考,主觀上 能否知悉過量鹽份會伴隨高血鈉症,足以作為殺害 嬰兒手段,缺乏確切證據,加上缺乏致被害人於死 地的動機,原判決認為 所犯為傷害致死罪,不能 課以殺人重罪。

合議庭認為, 不以理性方式化解心結,竟選擇 報復在無辜嬰兒身上,所做所為完全無法引起一般 人同情,沒有其情可憫可以減刑的事由;另 女雖 有向女嬰父母寫信道歉,但2人遭受喪女之痛,鄒 未有任何補償動作,也未取得他們原諒,無從僅憑 寫信道歉的舉動,就認定有從輕量刑的改變事由。

Page A14, Feburary 12, 2015, China Times

and has charged her with the offense of homicide under the Criminal Code. After trial, the judge found her the offense of adult causing injury to children with death result in violation of the Protection of Children and Youths Welfare and Rights Act and the Criminal Code. She was sentenced to 20 years in prison. The judgment was final.

VI. The Little Girl Who Rocked the Healthcare System - Law and Medical Ethics

Case Brief

Dr. Wang Zhi-Jia⁷

At dawn on January 10, 2005, a drunken and irritating father of a single-parent family, slapped his four-year-old daughter, and grabbing by her hair smashed her head against the glass panel of a convenience store. She went into a coma due to blunt and contusion in her head. The little girl has been hospitalized by an ambulance to the Taipei City Hospital, and has been diagnosed as suffering from a brain injury by the doctor on duty. The doctor then contact and asked for further joint diagnose with the neurology surgeon of same hospital by 2:05 am. The neurology surgeon was against the rule of the hospital and failed to show up whilst gave the instruction on the phone at the same time to transfer the little girl to other hospital, excusing that the hospital was in lack of neurology bed. The nurses asked around hospitals in Northern Taiwan but could not find any bed available. Finally, by 7:25 am that day, the girl has been transferred to a hospital near costal area in Taichung County, some 150 km away. Using every resource trying to rescue her life, it ended up with the determination by surgeons of a brain death of the little girl due to gradually loss of her brain stem functions. The public and social media then strongly urged the probing of possible professional negligence sustained during the diagnosing process of the Taipei City Hospital doctors. Fully aware the said neurology surgeon from that hospital has never examined the CT scan of the girl personally the day, the attending doctor on duty from the same hospital made a false claim together with the neurology surgeon to the public, that the latter has actually examined it online that day before they reached the consensus and determined jointly to send the patient to other hospital. The attending doctor on duty even made a forged meeting minutes attached with CT scan by the next day in his office, and cosigned with the neurology surgeon on the minutes. After

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the investigation, the prosecutor from Taiwan Taipei District Prosecutors Office charged the father of the little girl with bodily harm causing death. As to two doctors from Taipei City Hospital, the prosecutor charged them with professional negligence causing death and document forgery. The court then found the father guilty, and the final sentence was 12 years in prison. As to two doctors, the court found them innocent of professional negligence causing death yet guilty of document forgery. Both of them have been awarded a 4-months-in-prison decision.

小妹父親 判12年定讞

黃錦嵐/台北報導

引爆國內「白色巨塔」爭議的 小妹醫療人球案, 酒後毆打四歲稚女致死的邱光仁,最高法院昨日依傷 害致死罪,論處十二年有期徒刑定讞。

台北市仁愛醫院去年四月間與 家以二百五十萬元 慰問金達成協議, 家不再追究醫院責任。

但仁愛醫院總醫師 與主治醫師 ,聯手 製作假看診病歷記錄,推卸醫療責任,枉顧人命部分 ,台北地檢署檢察官去年八月間依業務過失致死罪嫌 提起公訴後,現由台北地院審判中。

與妻感情不佳,原本很疼愛四歲的女兒,常 帶女兒外出喝酒玩樂,偶因女兒吵鬧不聽勸時,會大 聲斥責,並毆打女兒,要女兒乖乖。

本件悲劇去年一月九月深夜發生, 某酒後抱女童回家,因手酸放女兒下來,要她自己走路,但女兒疲累想睡覺,邱某生氣,掌摑女兒的臉,並以拳頭打女兒的頭。

某一手抓女兒的頭髮,另一手毆打女兒時,因小 女孩身體懸空、手下垂,路邊超商店員發覺有異報警。

當警方趕到時, 某正蹲在地上搖喊 小妹妹,但 小女孩均無反應。

警方將 小妹急送仁愛醫院時,爆發醫院聲稱無病 床、醫師偽造看診紀錄,致使 小妹不得不遠途轉送 台中縣童綜醫院,延誤救治的「人球事件」。

Page A18, January 13, 2016, China Times

VII. Starting From A Letter From AIT – Mutual Legal Assistance

Tsai Pei-Shan⁸

Case Brief

Xiaoyi has in Taiwan brought female sex workers to local broker, or to broker from foreign casino hotel for sexual transactions with unknown male customers from November 8, 2010 to September 1, 2015. Xiaolan has also engaged in the same type of sex trade with Xiaoyi from April 18, 2014 to September 22 the same year. They would book the flights for the sex workers in Taiwan upon the worker's agreement, and arrange the selecting and delivering for male customers. They would also accompany the sex workers overseas to ensure the sexual transaction and customer payment. Xiaolan's peer Xiaozhen also helped Xiaolan for selecting > accompanying overseas of sex workers, and helped her with correspondences as well. They two shared the profit collecting from male customer's payment. Xiaoyi then was detained and questioned by the U.S. Customs and Border Protection, and she has admitted during the question that she did help provide the above overseas sex services. The American Institute in Taiwan sent via official letter the above information to Taiwanese police for further probe. Xiaoyi \ Xiaolan and Xiaozhen have all been indicted after the investigation by Taiwan Taipei District Prosecutors Office with the charge of arranging for a female to engage in sexual intercourse with gain. After the trail, the court sentenced Xiaoyi to 2 years and 8 months, Xiaolan to 1 year and 2 months and Xiaozhen to 1 year and 6 months, with pronouncement of probation. The ruling is final.



美國在台協會(AIT)去年發現,有10多名台灣年輕女 子利用赴美旅遊兒簽證機會, 密集異常出入境美國, 懷疑是台灣應召站業者安排女子跨國赴美賣淫,涉及 人口販運・減向大安警分局報塞・經警方監聽論半年 後,查獲這個跨國賣淫集團案。

密集團進團出 引人疑 AIT對此三級其口·辦事應新 間組組長 表示,美台在犯 罪防制方面定期合作展開執法・ 不會針對耳體的個家作出評論。

灣到美國免簽・但仍必須上網登 錄資料·出入境仍有相關資料可 始ੂ .

排指出,AIT去年間發現,有 多名年輕女子以觀光旅遊免簽證 赴第,由於招非女子遍常「團班 據資深沙外人士誘露・儘管台 剛出」、而且密集出入境・懐疑

AIT懷疑這是人口販運案件, 为打擊跨國性人口販彈犯罪,遂 整理10多名異常出入境的年輕女 子資料・向轄區的大安警分局報 寒,攀方報請北崎婦幼真組輪察 官指揮偵辦,且因本案涉跨國犯 罪·另發交台北市調慮外事站協 助網索。

警監聽3人半年以上

警方依據AIT提供的資料·鵬 出特定班機的赴美旅客艙單·銷 定疑似赴美賣淫的女子名單・經 寬證後懷疑..... 3人涉及跨國賣淫案·獲對3 給予較嚴格的審查。

下 女3人接觸多名女子、安排 赴美、價碼等對話・掌握具體事 題.

檢警因考量圖女、圖女人出境 頻繁,確認3人都在國內時,決 定提前收網,並已發動三波約該 行動, 逐一约談10多名疑似赴美 賣淫的女子到客說明 -

事實上・美國舊金山海關及移 民單位每年都會查獲不少台灣女 子在當地賣淫及煙性剝削的相關 事證,懷疑有人口販運集團幕後 操控·所以對赴美的台籍年輕女 子在辦理簽證或是入境時、都會



Page A3, October 29, 2015, China Times

VIII. Behind Trust - A Doctor S Perspective

Yang Cong-Cai⁹

Case Brief

Since 1997, Chubby had used the opportunity of volunteering as a traffic guide for elementary schools or playing video games to invite 8 boys under the age of 14 to his residence or mountain area of Xindian City and forced the boys to undress to engage in obscene behaviors or sexual intercourse and took their nude photos. The police seized the evidence on December 14, 1999. The prosecutor of Taiwan Taipei District Prosecutors Office, after investigation, determined to charge against Chubby for sexual intercourse and obscenity with children under the age of 14. He was found guilty by the court and had been sentenced to 2 years in prison with 5 years in probation. However, during the above probation period from February 1, 2006 to August 2008, Chubby again took the opportunity of babysitting for his colleagues or friends and engaged in sexual intercourse, obscene behaviors and shooting nude photos with 5 children under the age of 14 and 18. After investigation, the prosecutor charged against Chubby for the crime of taking advantage of victim's mental defect for sexual intercourse, obscenity and shooting nude photos with minors under the age of 18 in violation of the "Child and Youth Sexual Exploitation Prevention Act". Chubby was found guilty by the court in violation of the "Child and Youth Sexual Exploitation Prevention Act" for shooting nude photos with minors under the age of 18, and also guilty for other crimes as well. However, the court believed that the

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defendant, Chubby, suffered from Asperger syndrome and his mental age was only 7 to 8 years old, the court then sentenced him to 4 years and 6 months in prison along with mandatory treatment for not exceeding 3 years after the execution of imprisonment. After the execution of previous case, Chubby again took the opportunity of babysitting for one boy under the age of 7 and four other boys under the age of 12 and engaged again in obscene behaviors, sexual intercourse and shooting nude photos between October 17, 2014 and February 28, 2015. After investigation by the prosecutor, chubby was charged for engaging in sexual intercourse, obscenity, taking advantage of victim's mental defect for sexual intercourse with boys under the age of 14, and shooting sexual intercourse and obscene behaviors photos with minors under the age of 18 in violation of "Child and Youth Sexual Exploitation Prevention Act". Chubby was found guilty by the court, and has been sentenced to 11 years and 12 years, respectively for each case. The rule is final.

性侵男童 才判刑11年再判15年



Page A10, October 6, 2017, United Daily News

IX. In The Name of Love - Euthanasia

Chang Yun-Wei¹⁰

Case Brief

An elderly man over 80 years old had been providing caregiving to his wife who suffered from Parkinson's disease and a hip fracture. Seeing his wife, to whom he was married for over 60 years, suffering deeply from illness and unable to handle the daily routine on her own, he decided that he should try to end her misery. On the morning of December 26, 2010, he gave his wife four tablets of sleeping pills, which contained Class Three controlled substance, flunitrazepam (commonly known as FM2), that he obtained from his previous hospital visits and had her take them saying that they were gastrointestinal drugs she normally took. After the drug took its effect and the wife fell into sleep, the old man struck a 9 cm long screwdriver into his wife's forehead with a hammer, causing brain damage ventricular hemorrhage and shock death. The old man then called a police station to turn himself in. After investigation, the prosecutor of the Taiwan Taipei District Prosecutor Office charged the elderly man for taking life of another, and the Taiwan Taipei District Court found him guilty and sentenced him to 9 years in prison. The elderly man appealed but then he passed away on December 23, 2011 in the detention center. The Taiwan High Court then ruled the case not entertained accordingly.

【記者蘇位榮/台北報導】老翁 去年12月以螺絲起子釘死妻 子 ,台北地院昨天依殺人罪 ,將他判刑9年。在押的 出 庭聆判,當庭大喊:「為什麼不判 我死刑,我要上訴!!

退庭後,公設辯護人到候審室探 親手殺害老妻呢?」 望 (84歲),他情緒激動說 ,活著就是為了要喚起社會大眾重 視安樂死的立法,國家沒有安樂死 制度,害病人必須痛苦死去,太過 殘忍,「如果安樂死合法,我何必

聽,聽不到判決:等通譯到他旁邊 跟他說判9年徒刑時,當場 翻臉,大罵法官「殺人就是要死, 為什麼不判我死刑,我要上訴!。

判決指出,沒有證據可證明 ■ 法院昨天宣判時, 有點重 和妻子有「殺妻的約定」, 以殺害妻子的代價,引起社會討 論安樂死的制度,顯未尊重人的生 命價值:但考量其自首,予以減刑

Page B, September 23, 2011, United Daily News

10. The author is Prosecutor, Taiwan Taipei DPO

X. You Can't Run For Long – Getting Over The "Blue Wall of Silence"

Case Brief

A-qui had operated Daily Joy gentlemen's club (later renamed as Minsheng Hall) in Taipei from early 2007 until he was apprehended by the police on June 17, 2011. He also operated another club called Rich Gentlemen from early June 2010 to June 2011 and contracted with three hotels to offer rooms for call girls from his clubs to have transactional sex with male clients. A-qui then collected the proceeds from the obscene or sex trade business. A-qui also divided the shares of Minsheng Club into 50 shares, NT\$ 1 million per share, and invited police officers A-da, Lao-chen, Laolin and Ou-yang, as well as A-rong, a police man on suspension, A-rong's wife, sister Rong and a journalists A-hong and Lao-jin, to have shares in hope of having the police ease the investigation and check-ups on the above-mentioned clubs or getting tipoffs in advance. A-gui also made monthly kickback payments between NT\$ 10,000 and NT\$100,000 to Ou-yang and A-rong and hired a retired police officer, Brother Quan, as a valet parking attendant to operate the clubs together and receive dividends. After investigation, the prosecutor charged A-gui and others for unlawful profiting from arranging sex trade, tendering and taking a bribe in return for omitting against public servant's official duties as described in the Anti-Corruption Act, and seeking unlawful gains for others in matters under public servant's charge or supervision as prescribed in the same Act. After trial, A-qui confessed to all crimes, and he was sentenced to 1 year in prison for his engagement in sex trade, with a 5-year probation, and the punishment for bribery had been remitted. A-rong was found guilty in violation of the Anti-Corruption Act by accepting bribery and seeking unlawful gains for others in matters

11.JSD Candidate, Stanford Law School



under his charge, and had been sentenced to 18 years and 6 years, respectively, for the two charges. Sister Rong and Ou-yang were both sentenced to 12 years and 6 years, respectively, for the above-mentioned two charges. A-da, Lao-chen and Lao-lin were found guilty of seeking unlawful gains for others in matters under their charge in violation of the Anti-Corruption Act, and each was sentenced to 5 years and 2 months to 5 years and 10 months. Brother Quan was found guilty of unlawful profiting from arranging sex trade and obscenity and had been sentenced to 5 months. A-hong and Lao-jin were both guilty of unlawful profiting from arranging sex trade and had been sentenced to 6 months and 3 months, respectively.

【記者王文玲/台北報導】台 北市警中山分局員警收賄包庇色 情酒店案,最高法院判決定讞: 中山二派出所前巡佐 收取 正二分局保防組前小隊長 賄款,且和太太 插股領股 利共1300多萬元,分別被判有期 徒刑20年、14年確定。

賄、插股共收款逾700萬元,被 判刑14年確定:中山分局中山二

派出所員警 收取股利553 萬餘元,被判刑5年10個月確定 。圓山派出所前巡佐 、中 收取股利各逾500萬、200萬元, 均被判刑5年2個月確定。前記者 ■ 也因收取股利被判刑6個 建國派出所前巡佐 清收 月,得易科罰金確定。

酒店業者 因於偵查時供 出員警犯行,二審就其貪汙部分 判決免刑,圖利容留性交部分判 刑1年,緩刑5年,並須向公庫支 付300萬元: 未再上訴,已確

判決指出, 自2007年至 2011年遭查獲止,陸續非法經營 色情酒店,店名數度變更,由「 25B1」改為「天天開心」,再改 為民生會館,且另經營富紳酒店 ,媒介小姐提供性服務。

希望警方放鬆臨檢查緝或在 事前通風報信,即將民生會館酒 店股分分為50股,每股100萬元 , 拉攏員警或記者入股。 夫妻、,則以不告發取

締,另向 索賄。2011年6月7日 下午, 妻 與■約定在台 北市長春路旁交錢時,遭調查局 台北市調處調查官當場拘提,案 情陸續曝光。

Page B, Auguest 2, 2014, United Daily News

A recent example where such a "Bad Apple" argument was used to avoid a more fundamental approach to address police misconduct can be seen in the Orange County Sheriff Sandra Hutchens' reaction to the jailhouse informant scandal. While Hutchens acknowledged that some of her deputies may have violated the rules regarding the use of jailhouse informants, she insisted that such misconducts were committed only "by a few." See Christopher Goffard, Jail Informant Scandal: O.C.Sheriff Apologizes But Says Any Misconduct Was Limited To 'A Few' Deputies, LOS ANGELES TIMES (July 5, 2017).

Review of Editors

When#MeToo Meets Prosecutor





#Me Too is a campaign against sexual harassment and assault that has encouraged many celebrities to step forward with their own experiences. It started from Hollywood and soon spread across continents to become a global movement. The phrase "Me Too" came from US social activist and community organizer Tarana Burke as part of her grassroots campaign to promote "empowerment through empathy" among women of color who have experienced sexual abuse, particularly within underprivileged communities. Currently creating a documentary titled Me Too, Burke said that it was a 13-year-old girl who inspired her to adopt the phrase. She said the girl confided to her that she had been sexually assaulted but Burke was at a loss for words. Later, Burke wished she had simply told the girl, "me too."

In 2009, Taiwan had in place a protective policy to reduce repeated statements to various relevant authorities by sexual assault victims. However, I still learned from a police officer the feelings of a 13-year-old sexual assault victim after

she had gone through the process. That day, she mustered the courage to report a crime at a police station at about 8pm. Yet she had to spend the next three hours going between the station and a hospital and only returned home at approximately 11:30pm. The next morning, she was requested to appear one more time at the station for a statement at 10:00am. When the statement was finally confirmed by a prosecutor, it was close to midnight again at 11:00pm. She did not understand why crime reporting had to be so complicated. The process did not protect her physical or mental wellness, but only added further harm. She regretted the decision to report. When I saw her, there was no tears in her hollow eyes anymore. The sight of this broke my heart. I did not know what to do, except to offer her a hug, an apology and a thank-you, for allowing to me to see the flaws of the system as a prosecutor.

This case caused a shock to prosecutors in charge of women and children protection, the Department of Social Welfare and medical departments, who decided to review the former policy and work out a better solution together. As a result, we were able to firmly announce to all victims "whenever you are ready, we are, too" as we created the nation's first one-stop services for victims under the collaboration of the Taiwan Taipei District Prosecutor's Office, the Department of Social Welfare and Taipei City Hospital. When a sexual assault victim reports a crime, a secure and private space is provided immediately where the victim receives instant support from responsible prosecutor, police officer, doctor, and social worker for examination and statement taking. It is our hope that the victims feel safe and protected the minute they choose to come forward.

We once received a call from a parent, whose child was sexually assaulted, to thank the prosecutor and social worker after charges were pressed against the offender. The parent said the secure and private space and the support from the team allowed the child to share with tears the pain deep in her heart. The prosecutor discussed with the Department of Social Welfare and decided to send the child

for psychological treatment at a hospital as a normal patient. Finally, the child understood that what had happened was not her fault. The child's family, after finding out the truth, was very supportive of her, as well. Now, the child smiles and laughs again. She is not afraid of contact with people and has returned to her kind, happy and innocent self.

Now, against the backdrop of the global #Me Too movement, prosecutors charged with the mission of protecting women and children are calling out to those victims who have remained silent so far to respond to the movement by seeking us out. We have a professional and supportive team here for you in a secure space, which was redesigned at the end of 2017 as instructed by Chief Prosecutor Shing Tai-chao of the Taiwan Taipei District Prosecutor's Office, who was concerned about the feelings of victims and wanted to encourage more victims to come forward. The revamped conversation rooms are cozy and the new identification room offers even more security and privacy with additional equipment for long-distance interrogation. We hope that victims can feel our goodwill and efforts.

Voice for the Mute and Justice for the Forsaken

Gu Hui-Zhen

Prosecutors at the Women and Children Task Group are entrusted with cases to which the laws mostly aiming to protect children and women apply, including sexual assault, domestic violence, sexual exploitation of children and human trafficking. Victims in these cases frequently carry one common trait: they are often in a vulnerable condition. Some victims may even be children or mentally disabled lacking of descriptive ability. The challenge in investigating a case and unearthing the truth surfaces when prosecutors encounter victims who are unable or unwilling to speak. In child abuse cases, in particular, even if the doctors can determine from the injuries whether they have been caused intentionally, the identity of the perpetrator remains an enigma to be solved. Suspicion alone is not enough; one must also provide positive evidence. The greatest problem prosecutors face is how to find the perpetrator of child abuse. In the case of " Injured People Also Tend to Injure Others " involving 2-month-old baby girl Xiang Xiang, the victim falls under the exact scenario of not being able

to speak out in a child abuse case. Applying stepby-step investigative tactics like eavesdropping and searching, the prosecutor was finally able to get the perpetrator to let down her guard and crack the case. However, there is no shortage of cases where we cannot find the real perpetrators; therefore, no charge could be pressed. Fortunately, the expert assistance system under Article 15-1 of the Sexual Assault Crime Prevention Act became effective as of January 1, 2017. In order to obtain key statements as evidence, prosecutors may now leverage the help of professionals when examining disadvantaged sexual assault victims who are children or mentally ill. We look forward to the launching of this new system to truly help prosecutors unveil the truth.

Every case investigated by the prosecutor attests to the core value of the profession-prosecutors stand for justice and fairness. Whenever disadvantaged victims are unable to voice for themselves, prosecutors at our Women and Children Task Group always ensure that we fulfill our responsibilities. Firm in our philosophy of "voice the mute and justice for the forsaken", we give everything we have to excavate the truth and return justice to the victims.

Aspirations

Chang Yun-Wei

"You cannot expect to win applause for women and children's cases." I do not recall which wise prosecutor said these words in which speech. The time I have spent on women and children's cases is relatively short in my over ten years of experience as prosecutor. The most impressive and memorable sexual assault cases were not the ones investigated and prosecuted by me, but rather the ones involving two victims when I stood in court and argued for the prosecution. One of the victims was an adult woman with intellectual disabilities. After being continuously questioned by the defense lawyer on inconsistency and discrepancies of the testimonial details, she fell speechless and into tears. The other was a child with Prader-Willi syndrome. Constrained by his intellectual development and descriptive skills, he was only able to vaguely describe how he was victimized and pointed out the perpetrator after a period of prior assistance and guidance from a special needs teacher. However, he also faced the predicament of being continuously questioned by thedefense lawyer with words he could not understand: "Why did you only tell after all this time?" "You were misled by the special needs teacher and other adults, aren't you?" "Do you have an ulterior motive?" Likewise, he started crying and said these barely legible words to his mother, her eyes already swollen from tears: "Why didn't you protect me...?" Over a decade has gone by since both cases took place.

Fortunately, years of hard work by the public sector and NGOs have paid off. The law enforcement sector has now gained better knowledge of the nature of sexual assault cases and therefore more empathy with disadvantaged victims. Both crossagency and cross-disciplinary communication channels and legal aspects have become more comprehensive. The support we received for our investigation has also increased dramatically. I am heartened and comforted by this evolution, and I aspire to continue my learning and development in handling every such case with the utmost rigor.

Applying Laws toward Family Matters

Lu Zi-Ru

Cases involving women and children as victims are often tragedies where family members turn against each other. Behind each defendant is an age-old family feud that no outsiders could understand, as many families interact in ways others could not imagine. Such cases often come from families facing multiple issues, such as single parenting, grandparents playing parents' roles, parents serving prison sentences, poverty and illness. To them, home is not a safe haven, but an inescapable cage.

From the legal perspective, cases may seem straightforward. However, judicial intervention in domestic cases must identify how prosecutors may integrate resources to bring hope to disadvantaged children and spouses and empower them with positive energy to make them aware that they do have options. Tragedies must be prevented so that the old are provided, adults are employed, and the young are fostered, so that widows and widowers, orphans and the childless, the disabled and the sick are all cared for. I think this is the most difficult and helpless part about investigating these cases.



Balancing Point

Huang Pei-Yu

When I am handling cases involving children and women, I often find myself caught between two states of mind. On the one hand, I am infused with a sense of justice because I feel I am giving voice to disadvantaged women and children. On the other hand, I am saddened and angered when I listen to the victims' recount. Therefore, I often swing back and forth between these two states, at times positive and optimistic, at times helpless and heartbroken...

Sometimes I feel a sense of accomplishment because I have brought the offender to justice by thoroughly investigating a case, but I also cannot help but wonder: is this the outcome the victim really wants? To ensure the offenders are punished, not only must the victims expose the scars they have tried so hard to hide, throughout the process they must also confront a spate of procedures where the prosecutors, police, lawyers and judges review every piece of evidence. How many victims can really come away from this process without any secondary injury?

Oftentimes, only the one who gets hurt truly knows how much it hurts; a third person can merely attempt to empathize. As a prosecutor, all I can do is endeavoring to strike a balance between uncovering the truth and protecting the victim.



Between Protecting and Victimizing?

Wang Pei-Ju

Ensuring the defendant's legal rights while protecting the victim is perhaps the most difficult dilemma in the judicial system, especially in sexual assault cases.

Once a sexual assault case enters the judicial process, the victim has to undergo endless questionings during medical examinations, interviews by social workers, probes from Women and Children Protection Brigade and prosecutors, and cross-examination in court. The victim must relive the traumatic experience during each and every step of the process, and be victimized again and again.

In order to keep victims of sexual assault from having to repeatedly talk about their traumatic experience and reduce further damage brought by the judicial procedure, the district prosecutor's offices around the nation are promoting the Program to Reduce Repeat Interrogation of Victims of Sexual Assault(hereinafter referred to as "the Program"). However, the targets for the Program are individuals under the age of 18, victims with mental disabilities, or victims who have applied and been evaluated by social workers as being

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in need of such program. In other words, victims who do not qualify under the criteria still have to go through the regular procedures. Even when the victims qualify, the number of interrogation will not be drastically reduced. Only questioning by the police in Women and Children Protection Brigade and prosecutors will be combined into one session. However, victims still need to repeat their statement for questioning during medical examinations, visits from social workers and cross-examination in court.

To ensure credibility of the victim's testimony, and to protect the defendant's constitutional rights during criminal proceedings, it is necessary for the victim to sign an affidavit as a witness and be questioned during the investigation or cross-examination by the defendant or the defense attorney in court. Even when a one-way mirror separates the victim from the defendant during the court proceeding, or in the company of social workers during interrogation in the "Cozy Conversation Room" in the district prosecutors office, victims often still shed tears in court and during interrogation.

Can we do more?

During the two years in the Women and Children Task Group of Taiwan Taipei District Prosecutors Office, I have deeply realized that since prosecutors hold the power to investigate, we must have a clear understanding that the judicial process is a double-edged sword which can protect while doing harm. It is important to uncover the truth and penalize crimes. However, it is equally important to ensure that victims of sexual assault are protected during the pursuit of justice.

How may a prosecutor interrogate the victim gently without bias during investigation? How to comfort the victim while remaining neutral and professional? How to exercise judicial power moderately while remaining vigilant to possible clues? How to strengthen the legitimacy of the investigation and evidence while minimizing harm to the victim during multiple questioning sessions? We need to assist the victim to embrace the judicial system; rather than being harmed by it, we must help the victim recover and flourish under judicial protection.



Make the World a Better Place

Tsai Pei-Shan

"We can change the world and make it a better place.

It is in your hands to make a difference."

-Nelson Mandela

As modes of crime become organized, professionalized and even internationalized, prosecutors must, aside from their own legal expertise, also rely on assistance from other administrative departments and experts, forging horizontal links to improve the effectiveness of investigation. When it comes to the investigation process, one individual case stands out for me. Xiao Zhi was a child with 75% second- and third-degree burns. At the time of the incident, he was only 2 years old and unable to tell who the perpetrator is due to limited descriptive ability and traumatic reactions. It was left up to the prosecutor to figure out how to help him tell the truth. After conferring with the head prosecutor, they decided to enlist the help of clinical psychologist Jinrong to assist with examination of Xiao Zhi.

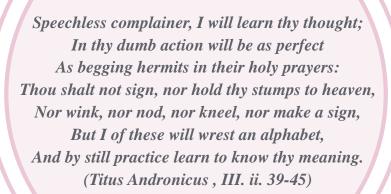
Aside from the last meeting, which was the official investigation session, they arranged three additional meetings with him to build a relationship with the help of Jinrong and social worker Lin Sijie. The intent was to familiarize him with the environment of the prosecutors office on one hand, and to build trust on the other in order to encourage him to tell the truth. At the start of examination when the prosecutor asked him how he was wounded, he said it was caused by "water" but was unwilling to say who caused it. As the team persevered, he finally gained the

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courage to tell the truth--the person who had hurt him was his own mother. The prosecutor confirmed the perpetrator and method first before examining Dr. Lv Li and Dr. Yang Yongjian from National Taiwan University Hospital to verify the credibility of his testimony. Both doctors testified that with the process he described, it was indeed possible to cause this kind of injury. Hence, the prosecutor pressed charge on his mother based on the words of expert witnesses and Xiao Zhi, and the medical records.

Without the clinical psychologist's help, it would have probably been hard to make Xiao Zhi tell the truth in this case. Accordingly to Article 15-1 of the current Sexual Assault Crime Prevention Act, judicial and law enforcement agencies should, when deemed necessary for investigation and examination, request the help of experts when examining victims of sexual assault. Current clinical cases show that victims of child abuse are mostly children 5 years or younger. Since most perpetrators are close relatives with strong attachment, there is indeed a need and necessity to enlist the help of professionals during examination.

The prosecutors' job is to prosecute. They depend heavily on professional opinions from various disciplines to improve the accuracy of the results of investigation. With a little more persistence from each discipline, we will be able to restore not only the truth but also every bruised family, and to make it a better place.



The author is Head Prosecutor, Taiwan Taipei DPO



It is heartrending to turn the pages of this book, but to read it is a necessity, by which we prosecutors are reminded of the core value of our work and the humanity therein.

Like Lavinia, Titus' beloved daughter who was raped, and thereafter callously had her hands and tongue amputated by her rapists, many of the sexual assault and domestic violence victims lack either the means or the competence to articulate their sufferings. Like Titus, Lavinia's loving father who was griefstricken to see the calamity of his daughter and eager to know her inflictors, prosecutors, together with social workers and law enforcement agents, help the victims speak up for themselves and piece the fragments together, in order to track down the culprits. However, unlike the desperate Titus to avenge his daughter Lavinia, to convict the culprits of the crime they deserve until Justice prevails and victims recuperate from the pains is what we aim for.

After countless deliberations during the late 2016 and the early 2017, ten cases were selected to record the course of such a pursuit. The thing in common among the aforementioned cases is that they all raise our awareness. Some of them even contributed to conspicuous changes of the contemporary systems. One of them ("The little girl who rocked the healthcare system") materially altered the medical emergency operation mechanism. Another ("The Eternally Silenced Child") pushed the amendment of The Protection of Children and Youths Welfare and Rights Act in 2012. The other ("In the Name of Love") brought the predicaments of long-term care of the elderly into the spotlight and promoted the promulgation of Long-Term Care Services Act in 2015.

This book is a monument, not an Arc de Triomphe marking victories of the prosecution, but a constant reminder to face the sufferings of victims and relieve thereof with sympathies, not the condescending compassions, which is used to waning gradually during our professional career.

The sentence will be inscribed therewith,

"I will by all means wrest an alphabet, and by still practice learn to know thy meaning."