

An Overview of Legal Cases Involving Former President Chen Shui-bian and Their Verdicts

January 29, 2013

Chen Shui-bian's involvement in acts of corruption was confirmed by prosecutors while he was still in office (Chen served as 10th and 11th term President of the Republic of China from 2000 to 2008). However, as he had criminal immunity as president under Article 52 of the ROC Constitution, only his co-offenders were indicted on November 3, 2006. Prosecutors noted in their bill of indictment that investigation of Mr. Chen's involvement would have to wait until after he was recalled or relieved of his duties at the end of his term of office. When he completed his tenure in May 2008, the prosecutors' office began to investigate offenses in which he was suspected to have been involved during his presidency. Details of the investigations, trials, and verdicts are listed below.

Mr. Chen was involved in 10 cases, one of which is currently under investigation and three are on trial. The verdict is final in the remaining six cases, in four of which he was found guilty and in the other two he was acquitted. He was found guilty of three types of charges including accepting bribes and money laundering, for which he was sentenced to prison time of 18 years and 6 months and ordered to pay NT\$156 million in fines. A total of US\$11.98 million and NT\$210 million was ordered forfeited.

Mr. Chen began serving out his sentence in 2010 at Taipei Prison. He has been receiving medical treatment outside prison under escort at Taipei Veterans General Hospital since September 12, 2012.

1. Cases under investigation

Case	Case No.	Note
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Taishin Financial Holdings' acquisition of Chang Hwa Bank	98 Te Ta 1, 99 Te Ta 5	Under investigation by the Special Investigation Division of the Supreme Prosecutors' Office
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2. Cases on trial

No.	Case	Current status
1	Embezzling from the state affairs fund; money laundering in the Nangang Exhibition Hall construction project (trial in the second instance)	A public indictment was filed against Mr. Chen. However, the Supreme Court remanded the case to the Taiwan High Court in document 101 Tai Shang No. 3895 dated July 26, 2012. The case is currently under trial at the Taiwan High Court.
2	Second phase of financial reform (Cathay Financial Holdings' acquisition of United World Chinese Commercial Bank) (Remanded by court of third instance to court of second instance for retrial)	After a public indictment was filed, Mr. Chen was acquitted by the court of first instance. Prosecutors appealed to the Taiwan High Court, which overturned the verdict and sentenced him to a prison term of 18 years. However, in document 101 Tai Shang No. 6482, the Supreme Court remanded the Cathay Financial Holdings and United World Chinese Commercial Bank merger and money laundering case to the Taiwan High Court for retrial.
3	Unlawful possession of official documents from the Office of the President (trial in the first instance)	Prosecutors have filed a public indictment and the case is on trial at the Taipei District Court. No verdict has been rendered yet.

3. Cases with final verdicts

No.	Case	Final verdict
1	Accepting bribes in the Longtan land purchase deal (appeal dismissed and verdict upheld by the Supreme Court on November 11, 2010)	Principal penalty: 11 years' imprisonment and NT\$150 million fine Accessory penalty: Deprivation of citizen's rights for 9 years, forfeiture of seized illicit gains of US\$9,279,952.22, and illicit gains of US\$2,700,049.78 not yet seized to be recovered and forfeited
2	Accepting bribes from Diana Chen to pave her way to a higher position (appeal dismissed and verdict upheld by the Supreme Court on November 11, 2010)	Principal penalty: 8 years' imprisonment and NT\$5 million fine Accessory penalty: Deprivation of citizen's rights for 4 years and forfeiture of illicit gains of NT\$10 million
3	Money laundering in the Longtan land purchase deal (appeal dismissed and verdict upheld by the Supreme Court on July 26, 2012)	2 years' imprisonment and NT\$3 million fine
4	Second phase of financial reform (Yuanta Core Pacific Securities' acquisition of Fuhwa Financial Holdings) (appeal dismissed and verdict upheld by the Supreme Court on	Supreme Court rejected appeal in document 101 Tai Shang No. 6482 and upheld the final verdict of 10 years' imprisonment and NT\$100 million fine. Illicit gains of NT\$200 million were ordered forfeited.

	December 20, 2012)	
5	Jeffrey Koo Jr.'s political donation (appeal dismissed and verdict upheld by the Supreme Court on July 26, 2012)	Not guilty
6	Embezzlement of secret diplomatic funds (appeal dismissed and verdict upheld by the Supreme Court on November 11, 2010)	Not guilty

Notes:

1. For the two finalized cases involving bribery connected to the Longtan land purchase and Diana Chen's bribery, the Taiwan High Court ruled that Mr. Chen should serve prison time of 17 years and 6 months. He began serving his sentence on November 11, 2010.
2. For the three finalized cases involving bribery connected to the Longtan land purchase, Diana Chen's bribery, and money laundering in the Longtan land purchase deal, the Taiwan High Court ruled on November 1, 2012 that Mr. Chen should serve prison time of 18 years and 6 months and be fined a total of NT\$156 million.
3. The abovementioned prison time does not include the prison term for the recently finalized Yuanta-Fuhwa case.
4. Execution of accessory penalties: The accessory penalties imposed in the court rulings in the Longtan land purchase bribery case and Diana Chen bribery case were delegated to the Taipei District Prosecutors Office for execution. Some US\$5,433,515.30 in negotiable securities confiscated are currently being liquidated. The Taipei District Prosecutors Office has also confiscated property of Wu Shu-jen, totaling some NT\$9,395,330 in accounts under the names of Wu Shu-jen and Wu Ching-mao. The Taipei District Prosecutors Office has requested in writing that land and structures concerned be frozen, and is now in the process of liquidating said property.

4. Detention and Imprisonment

(1) Detention

November 11, 2008- December 12, 2008: 32 days

December 29, 2008- November 10, 2010: 682 days

Total: 714 days

(2) Imprisonment

November 11, 2010 to date