



# News release of the Ministry of Justice

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**Incident regarding fishing boat Guang Da Xing No. 28 and its fisherman was shot to death by Philippine coast guard vessel.**

**1. After preliminary investigation, our government has concluded as followed:**

(1) Personnel on Philippine coast guard vessel were committed homicide

A. The victim's body was examined by forensic doctors of the Institute of Forensic Medicine, Ministry of Justice. According to their forensic report (no.1021101517), the victim has a penetrating gunshot wound which was caused by high-speed gun, for example, a machine gun or a rifle. The victim was suffered from fractured wounds on the thoracic vertebra and internal organs, massive hemorrhage, pneumothorax, hemothorax, and hypovolemic shock. His cause of death is breathing function failure.

B. The forensic police from the Investigation Bureau had examined the fishing boat and discovered remained bullets on the boat. They have concluded that the bullets are 7.62 mm and may be used including but not limited for M14 rifle, M240 and M60 machine gun.

C. The fishing boat was found 45 inward bullet marks, but the actual shot unknown owing to the movement of the boat. Those marks are found focused on the location where fishermen hide. Since the victim was shot by high-speed gun, the personnel on Philippine coast guard vessel obviously intentionally used deadly weapon to kill fishermen on the boat.

D. There is no strike mark found on the surface of the fishing boat, which may exclude the possibility of prior strike before the attack. Therefore, there is no evidence supporting the defense excuse made by the Philippine Officials.

(2) The precise location of the incident

According to VDR of the fishing boat, the precise location of the incident was took place in waters inside our exclusive economic zone. Therefore, the boat never intruded in Philippine' s territorial waters.

(3) According to Article 73 of UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, “The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.” However, personnel on Philippine coast guard vessel had obviously violated the rule above and used deadly forced weapon exceeding reasonable use

to attack unarmed Taiwanese fishing boat.

## **2. The process of mutual legal assistance between Taiwan and Philippine**

- (1) This is a cross-border crime with evidence (such as the suspects, the coast guard vessel, and the gun) of the party causing the injury in Philippine and with evidence (such as victims and the injured boat) of the injured party in Taiwan. It takes two countries to work together, to voluntarily reveal and access to full investigation and results, and then to discover the truth.
- (2) Based on the letter of Resident Representative Antonio Basilio of the Manila Economic and Cultural Office (MECO) to Taiwan's government and his statement given in the press conference, an investigation team including personnel from the Ministry of Foreign Affairs and the Ministry of Justice was sent to Philippine. The goal of mutual legal assistance is to discover the truth, to accuse the defendants, and to claim for damages through cooperation. Both parties shall share trust, respect judicial sovereignty, and to conduct investigation properly. There shall be no doubt and action to interfere judicial sovereignty.
- (3) Under active contact and negotiation of the Ministry of Foreign Affairs, the Philippine government had consent to accept our team to participate in the investigation process. However, due to new development between our government and Philippine government, there is only some progress so far after their consent; and there is more

room for both parties to continuously discuss for future proper practice. We look forward to send investigation team again to Philippine, based on common consensus. Meanwhile, on account of reciprocal and mutual legal assistance principle, we also welcome Philippine government to send their representative through mutual legal assistance proceedings.

**3. Republic of China is a country of peace loving, respecting human rights, and being ruled by law. Our government will protect properties and safety of Philippine people in Taiwan and will guard them from unnecessary harm.** Minister Zeng of the Ministry of Justice has asked head prosecutor Chen of the High Court Prosecutors' Office to inform head prosecutors at the first and second instance to cautiously prevent possible interference and assault incident happened to Philippine people in Taiwan and to prosecute any incidents involved crimes.