

The Facts on Guang Da Xing No.28 Incident

2013/5/19 Ministry of Justice

A. Why is the action carried by the Philippine government vessel considered an intentional murder?

1. According to the customary international law of the sea, and to paragraph 1 of Article 73 of the United Nations Convention on the Law of the Sea, the government vessel, even in the exercise of its sovereign rights, must compliance with necessary measures, including boarding, inspection, arrest and judicial proceedings. There is no legal ground to attack other country's boat. The Philippine government personnel, who shot the unarmed Taiwanese fishing boat without taking those necessary measures, was beyond reasonable use of force. The action clearly violated customary international law.
2. According to the investigation, there were 16 bullet holes around 5 meters of the rear left side of the cabin where fisherman Hong Shi-cheng was shot dead. Among that, 4 bullet holes were on the left side of the cabin, 4 were on the rear and 2 were on the top of the cabin, which were all scattering on the cabin where the crew was hiding. Therefore the intention of murder is verified.
3. As for the words "cold-blooded murder" used by our side recently, this is to describe the Philippine government personnel who has the intention to kill. We have no malice toward Philippine Government. And of course, those facts need to be established by examining related evidences.

B. The Philippine government claimed that the incident was caused by the Taiwanese fishing boat's attempt to ram the Philippine government vessel, which resulted in the defensive measure taken by the government vessel.

1. As mentioned above, there is no legal ground to attack an unarmed

vessel. And as the preliminary investigation, we found no sign of ramming on the Guang Da Xing No.28. Besides, the Philippine government vessel is 115.45 tons in weight, 30 meters in length, and the Guang Da Xing No.28 is only 15.15 tons in weight, 14 meters in length. It is very unreasonable a small boat attempt to ram a bigger boat. According to the foreign press released, the Philippine later claimed that the Philippine government vessel requested Guang Da Xing No.28 to stop the engine, but the Guang Da Xing No.28 withdrew and escaped immediately and tried to ram the Philippine government vessel; therefore, the Philippine government personnel shot for self defense. This statement is contradicted to Philippine's original one as above. Moreover, the voyage data recorder (VDR) shows that the fishing boat was trying to leave for the north and accelerate from 3 to 11 knots, and was auto-pilot, according to the fisher man's statement. It is clear that the fishing boat immediately turned for leaving, which did not constitute a justified ground for self defense.

2. Relevant evidence still needs to be compared to the VDR from the Philippine side. It is obvious that there is necessity for both sides to investigate together.

C. Does it infringe the Philippine Jurisdiction to make joint efforts in investigation?

1. No, it does not infringe the Philippine Jurisdiction. The mutual legal assistance, based on the consent from the both sides, will be preceded under each party's own legal framework.
2. The said "joint investigation" by the Taiwan side means the cooperation in collecting evidences, comparing the materials and sharing the investigation results. We did not ask for investigating directly in the Philippines by the officials from our side. Reversely, if the Philippine investigation team would like to come to Taiwan, it will

not conduct a direct investigation such as interrogation and gathering evidence. Accordingly, it will not raise the issue of infringement of judicial sovereignty. No party can find out the truth of this incident by telling its own story.