

## **‘Treason’ proposal passes committee**

Written by Taipei Times

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Draft amendments to allow people accused of spying for China to be indicted on foreign aggression charges and to allow political parties to be indicted on organized crime charges was approved yesterday by the legislature’s Judiciary and Organic Laws and Statutes Committee.

Prosecutors have traditionally cited the National Security Act (國家安全法) when indicting alleged Chinese spies because the treason and foreign aggression offenses stipulated in the Criminal Code only apply to crimes committed on behalf of an “enemy state.”

However, convictions under the National Security Act are subject to a maximum sentence of five years in prison, which is seen as too lenient for people working for China.

Democratic Progressive Party (DPP) Legislator Wang Ding-yu (王定宇) proposed amending the Criminal Code to make the foreign aggression charges applicable to crimes committed by an “enemy” in addition to an “enemy state.”

A conviction for treason or foreign aggression would be punishable by life imprisonment or death, while those found guilty of attempted treason or foreign aggression would face a prison sentence of three to 10 years.

The amendment is to undergo cross-caucus negotiations before being reviewed by a plenary session.

The definition of “enemy” was taken from the Criminal Code of the Armed Forces (陸軍刑法), which stipulates that any collusion with an “enemy group” can constitute treason, Wang said.

“Treason and foreign aggression offenses have never been filed ... since they were enacted because of complications involving the nation’s status. The amendment aims to put aside controversies and make the law applicable,” Wang said.

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Retired vice admiral Ko Cheng-sheng (柯景盛) was sentenced to just 14 months in prison for helping China set up a spy ring of other navy officers since the Criminal Code does not address Chinese espionage cases, and the amendment would close this loophole, Wang said.

The Ministry of Justice has voiced concern about possible confusion over the terms “enemy” and “enemy state” in the Criminal Code, and said it was working to amend the National Security Act to increase the penalties for treason.

However, the ministry’s plan is for an amendment that would only apply to crimes committed for a state or a terrorist group, thereby sidestepping defining China’s relation to Taiwan, Deputy Minister of Justice Tsai Pi-chung (蔡啟芳) said.

Chinese Nationalist Party (KMT) Legislator John Wu (吳育昇) said Wang’s amendment was basically directed against China, adding that the Mainland Affairs Council said the use of “enemy” and the indictment of Chinese intelligence operatives on foreign aggression charges would affect cross-strait relations.

The committee also approved an amendment proposed by Wang to the Organized Crime Prevention Act (組織犯罪 Prevention Act) to change the legal definition of organized criminal organizations from “permanent and profit-seeking” groups to “permanent or profit-seeking.”

The proposed amendment follows several violent incidents involving members of the China Unification Promotion Party and its affiliates, which are not profit-oriented groups.

DPP Legislator Tsai Yi-yu (蔡宜芳) said that while there has been an increase in fraud cases, there has been a decrease in convictions on organized crime charges, which shows that it is difficult to apply the Organized Crime Prevention Act to such crimes.

The amendment would also require stringent witness protection measures to encourage people to testify, while witnesses who are overseas would be allowed to testify via video interviews.

Source: [Taipei Times - 2017/12/05](#)