

Making a mockery of the judiciary

Written by Taipei Times Editorial
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One has to ask what it will take for the judicial system to get its act together — and how long the public must wait for that to happen.

Just over a month after the Control Yuan reprimanded the Ministry of Justice for negligence because two Chinese Nationalist Party (KMT) politicians convicted in high-profile corruption cases absconded before having to report to prison, another defendant has fled the nation after his final conviction.

The list of such fugitives over the past two decades is embarrassingly long, but despite purported efforts to improve the system, the list continues to grow.

The latest to go on the lam is Ching Tien-po (鄭天鵬), who not only worked as a prosecutor for 29 years, but even served as the Kaohsiung District Prosecutors' Office spokesman. For a good portion of the decades he was paid to uphold the law, Ching had a profitable sideline peddling his influence in return for cash, stock and other gifts from those he was supposed to be prosecuting.

He fought his conviction all the way to the Supreme Court, which last month issued a final ruling sentencing him to 11 years and six months in prison. Yet, despite the blatant abuse of his status, his wealth of illicit and legal assets and the length of his sentence, Ching was granted bail after the Supreme Court handed down its ruling.

So one must question whether it really should have come as a surprise that when officials went to deliver the summons to prison to Ching, they found that he and his family had fled to Canada.

However, what makes his escape even more outrageous is that, at some point during the time Ching was fighting the corruption charges and appealing the guilty verdicts against him, he was able to legally change his name to Ching Shu-hua (鄭淑華) without anyone in the judicial system either discovering the name change or worrying about the possibility he might be planning to flee.

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Think back to the outcry three years ago when it was discovered that British businessman Zain Dean had fled Taiwan, using a friend's passport, after receiving a four-year jail term for a fatal hit-and-run incident — and the resulting demands that he be repatriated from the UK to serve his time.

Yet Dean only did what so many others have done for years. Three years on, even more people have been able to evade prison by fleeing after the final verdict in their cases — not to mention those who do not wait around for the judicial process to run its course before making their escape.

Article 456 of the Code of Criminal Procedure (刑事訴訟法) says that a verdict must be promptly carried out. The problem is that there is often a lengthy delay between judges delivering a verdict in court and completing the written version, and prosecutors have to wait until they receive the written verdict before they can issue a notification of sentence to the convicted defendant.

There has been a lot of finger-pointing in Kaohsiung as prosecutors and the courts blame each other for allowing Ching to flee, while all that Minister of Justice Luo Ying-shay (羅瑤雪) could think of to say was that the “current mechanism to prevent major criminals from absconding is not working.”

That appears to be one of the major understatements of the year.

A lot of money is spent on the supervision or detention of defendants who have not yet been convicted — former president Chen Shui-bian (陳水扁) being a prime example. It is well past time that more attention is paid to those who have been found guilty.

The simplest solution would be to require detention as soon as the final verdict in a case is read out in court, without waiting for prosecutors to receive a written copy to act. If the Ministry of Justice has a better idea, let us hear it.

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