

MND apologizes for wrongful execution

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The Ministry of National Defense (MND) yesterday issued an official apology over what now appears to have been the wrongful execution of a soldier convicted of sexually abusing and murdering a five-year-old girl in 1996.

Amid calls by legislators for President Ma Ying-jeou (馬英九) and the military to account for the execution of Chiang Kuo-ching (鄧國清) in 1997, the ministry said in the afternoon that it would fully cooperate with an investigation, adding that the military and judicial system had learned a lesson from this case and that more rigorous investigation mechanisms should be adopted to ensure the protection of human rights.

Close to 30 military officials involved in Chiang's arrest, trial and execution are now facing criminal and administrative investigations, judicial authorities said.

Among them are former minister of national defense Chen Chao-min (陳昭敏), who was then-chief of air force command, former minister of national defense Lee Tien-yu (李天裕), who was then-director of the air force's Political Warfare Bureau, and former air force commander-in-chief Huang Hsien-jung (黃顯宗).

Judicial authorities said the officials would be investigated by the judiciary and the military.

On Sept. 18, 1996, a colleague of Chiang alleged that Chiang might have been involved in the rape and murder of a five-year-old girl surnamed Hsieh (謝), whose body had been found on an air base six days earlier.

Judicial authorities said Huang ordered the air force's counterintelligence unit to provide assistance in the investigation.

The next day, Chiang was sent to the Taipei Police Department, where he was questioned by police and military police.

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As investigators did not make any progress after investigating the murder for three weeks, on Oct. 2 Chen ordered the counterintelligence unit to take over the case. The unit immediately subjected Chiang to 37 hours of interrogation. Two days later, Chiang confessed to the crime and the air force closed the investigation. Chiang was executed on Aug. 13, 1997.

News reports at the time said Colonel Ko Chung-ching (柯俊雄) led the interrogation. Ko was sentenced to two years in prison and was given five years probation for torturing and hitting soldiers during an investigation in 1999 at Taoyuan Air Base over stolen ammunition. Ko did not serve jail time, because he did not commit any crime during his probation.

A report by the Control Yuan showed that Chiang wrote in notes while in prison that during his interrogation, he was threatened with an electric baton, exposed to strong light and forced to undergo physical activities all night.

The report added that the air force had referred the case to the counterintelligence unit instead of the judiciary, which was in violation of the Code of Court Martial Procedure (軍法訴訟法).

Chiang's family and supporters have long maintained that he was innocent and said the speedy trial and execution were the result of government pressure on the military to solve the case.

In May last year, the Control Yuan censured a military court over the case, citing seven major flaws in the trial.

The next month, -Prosecutor-General Huang Shyh-ming (黃世銘) announced the creation of a task force to reopen the investigation.

Investigators said they reviewed material evidence in the case, including fingerprints, a bloody palm print and DNA from a pubic hair sample found on the girl's right thigh.

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They compared that evidence with the prints and DNA of service members in the air force at the time.

Investigators said they had found DNA and palm prints belonging to Hsu Jung-chou (許俊周) at the scene of the crime.

Taipei prosecutors on Friday arrested Hsu and the Taipei District Court approved a request by prosecutors for his detention. Hsu has since confessed to the crime.

The ministry's apology came after legislators across party lines called on Ma and the ministry to apologize for the wrongful execution of an innocent man.

Democratic Progressive Party (DPP) Legislator Tsai Huang-liang (蔡煌良) of the Foreign and National Defense Committee said Ma, Minister of National Defense Kao Hua-chu (高華柱) and air force commander General Yen Ming (嚴明) should apologize to the public and Chiang's family.

Tsai, who helped Chiang's parents appeal the case, said officials who were involved in the investigation should all be referred to the Supreme Prosecutors' Office Special Investigation Panel for investigation and should have merits received for the case revoked.

Twenty-four ministry officials received special merits for breaking the case in 1997, Tsai said.

The president should also take the initiative to clear -Chiang's name, Tsai said.

Chinese Nationalist Party (KMT) Legislator Ting Shou-chung (丁守中) said Chen and other personnel involved in the case must be held legally responsible for the execution.

The legislators also supported pursuing a legal amendment to the Act on Discipline of Civil

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Servants (公職人員) to demand the return of the pension of officials who might have neglected their duty during the investigation of the case.

Under Article 25 of the act, the government can only take action to retrieve pensions from retired officials for malfeasance within 10 years after the offense is committed and within 10 years after the officials are referred to the Public Functionary Disciplinary Sanction Commission for discipline.

KMT Legislator Lu Hsueh-chang (呂學恒) of the Judiciary and Organic Laws and Statutes Committee, said he supported revising the 10-year period.

ADDITIONAL REPORTING BY FLORA WANG AND CNA

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