

## 犯罪嫌疑人遭非法取供

### Illegal Interrogation Kills Young Soldier

#### — The Case of Chiang Kuo-ching (江國慶)

*Following a rape and murder case of a five-year-old girl at the air force base in September 1996, the Ministry of Defense (MND) appointed a Counter Intelligence Squad to be in charge of the investigation. After a polygraph test, a twenty-one year old soldier Chiang Kuo-ching was singled out as the prime suspect. Under torture and coercion, the soldier confessed to rape and murder and was sentenced to death. The soldier's father lodged a complaint at the Control Yuan on October 15 and a subsequent complaint on December 24 1997, insisting upon his son's innocence. Despite the father's persistence and identification of new suspects, the soldier was executed on August 13, 1997, under the Speedy Trial Rule that governed the Court Martial Procedure. The Control Yuan launched an investigation to reexamine the case. (Case no. 0970800125)*

Control Yuan's investigation found that problems began when the Ministry of National Defense (MND) assigned the Counter Intelligence Squad at the Air Force Headquarters, instead of referring the case to the military prosecutor, to investigate a girl child sexual assault case that took place at the Air Combat Command in 1996. The squad then made the suspect confess to the crime through illegal interrogation, with the use of confinement, deliberate exhaustion, and coercion to obtain his deposition, which was littered with contradictions and showed that the suspect had no knowledge of the victim's appearance or how he tried to cover up the crime whatsoever. The Control Yuan's investigation also found that, for some unknown reasons, the investigating authority did not verify the voluntary nature of the soldier's confession and ignored favorable evidence when a new suspect was found, despite the fact that the trial was ongoing. Despite shaky evidence, the MND proceeded to execute the death penalty and awarded relevant personnel for solving the case.

Over the past fifteen years, the soldier's family, along with attorneys at large and human rights groups, worked tirelessly to clear his name. On May 12, 2010, the Control Yuan proposed corrective measures to the MND and demanded an extraordinary appeal or retrial by the Prosecutors Office of the Military Supreme Court. Unfortunately, as the case has exceeded the ten-year statute of limitation, the Civil Service Discipline Act no longer applies to the public functionaries involved. On September 13, 2011, District Military Tribunal exonerated the soldier. The soldier finally received justice fifteen years too late.

After Chiang was found not guilty, the MND's northern district military court accepted a

compensation claim to redress the wrongful imprisonment and execution. On November 29, 2011, a compensation totaling NTD 131,805,000 was paid, and the court's Compensation Review Panel found major misconduct involving former minister of national defense Chen Chao-min, former air force counterintelligence official Ke Chung-ching, and other five military officers, who will be liable for reimbursing the full amount of compensation as stipulated in the Law of Compensation for Wrongful Detentions and Executions. With the exception of Deng Chen-huan, who had paid a negotiated sum of NTD 2.8 million in April 2012, a civil litigation was raised against the remaining parties on April 12, 2012, to Taipei District Court. Another judgment was issued on May 29, 2014, demanding all remaining parties to pay a sum of NTD 59,577,053.