

## Family Of Chiang Kuo-ching Awarded \$3.43 Million For His Wrongful Conviction And Execution

Chiang Kuo-ching was executed in 1997 for the rape and murder of a 5-year-old girl near Taipei City, Taiwan. His family will be compensated \$3.43 million after he was posthumously acquitted in September 2011 based on new evidence of his factual innocence.

On September 12, 1996 a five-year-old girl named Hsieh was raped and murdered in the bathroom for a restaurant on a military base near Taipei City in Taiwan. Chiang was a 20-year-old private in Taiwan's Air Force stationed at the base. Six days after the crime he and two other servicemen were questioned as suspects. Chiang was the only one of the three who failed a polygraph test. The other two men were released, while Chiang was subjected to an interrogation that went on for 37 continuous hours until he confessed. After his interrogation ended he retracted his confession, claiming that in addition to being deprived of sleep and having bright lights continuously shown in his eyes, he was beaten. There was no eyewitness to Chiang being in the restaurant at the time of the crime, but the prosecution found a tissue in the bathroom's garbage that they claimed had his sperm on it.

Chiang protested his innocence, but the tissue and Chiang's confession was enough for him to be convicted and sentenced to death. After Chiang's appeal was denied he was executed on August 13, 1997 by first being injected to put him to sleep and then he was shot in the head.

Before his execution Chiang sent his family a letter with the names of everyone who had betrayed and tortured him.

Chiang's family continued to campaign for his innocence, and in May 2010 an extraordinary appeal was filed in Taiwan's Supreme Court to order the reopening of his case. In June 2010 his case was reopened by the Prosecutors Office in Taipei. The investigators reviewed and reexamined the physical evidence in the case that included fingerprints, a bloody palm print, and DNA from a pubic hair sample found on the girl's right thigh. They compared that evidence with the prints and DNA of service members in the air force at the time. The bloody palm print and the pubic hair's DNA matched Hsu Jung-chou, who had been sta-



Chiang Kuo-ching  
(Kuo-ching family photo)

tioned at the base in September 1996. The investigators also discovered that Jung-chou had been considered a prime suspect but investigation of the crime ended when Chiang confessed.

The investigation also found that the damning tissue evidence found in the bathroom's garbage didn't have Chiang's sperm on it: but it was mucus (snot) from him blowing his nose.

Jung-chou was released from prison in November 2010 after serving seven years for the kidnapping and sexual abuse of two girls while on parole in 2001, after his 1997 conviction of raping a six-year-old girl was commuted.

Jung-chou was arrested on January 28, 2011 and when confronted with the palm print and DNA evidence directly linking him to the crime [he confessed to](#) raping and murdering Hsieh.

On May 24, 2011 the results of the re-investigation of the crime were released, [with the conclusion](#) that Chiang did not commit the crime, while there was substantial evidence Jung-chou was the actual perpetrator. That same day Jung-chou was charged with Hsieh's murder.

Chiang's retrial was ordered on May 27, 2011 by Taiwan's Defense Ministry's District Military Court Prosecutors Office. [After a three-month](#) trial Chiang was posthumously acquitted on September 13, 2011 by a panel of three military judges.

Taiwan's President Ma Ying-jeou apologized to Chiang's family in person for their ordeal.

Taiwan's "False Imprisonment Compensation Act" limited payments to a maximum of about \$1 million (NT\$30 million) <sup>fn.1</sup>. However, due to the extraordinary circumstances and publicly of Chiang's case, Taiwan's legislature [passed a special](#) amendment to the Act that did three things:

- It removed the payment cap.
- It increased compensation to about \$166 (NT\$5,000) per day a person was falsely imprisoned, payable to the person or their family if the person was deceased.
- It increased compensation to a wrongly executed person's family to about \$166

(NT\$5,000) per day for the total life expectancy of the executed person from the day of their execution.

With the amendments Chiang's family could expect compensation of over \$3.4 million (NT\$100 million),

The Defense Ministry announced on October 27, 2011 that Chiang's family [would be paid](#) compensation of \$3.43 million (NT\$103.18 million). \$52,000 (NT\$1.57 million) of the money was compensation for the 314 days he spent in custody before his execution. \$3.38 million (NT\$101.61) was compensation for Chiang's wrongful execution, based on his age of 21 when he was executed and that the average life expectancy for Taiwanese males is 77.

The 10-year statute of limitations has expired so the men responsible for extracting Kuo-ching's false confession and his wrongful conviction and execution can't be held criminally liable. However, the Ministry of Defense is doing what it can to hold them civilly liable for the harm they caused him and his family. The Ministry of National Defense [filed an injunction](#) with the Taipei District Court to freeze the assets of Taiwan's minister of national defense in 1997, Chen Chao-min, and seven former military officials involved in Kuo-ching's case. The MND also filed a provisional lawsuit for seizure of the eight men's assets as reimbursement for the \$3.43 million paid as compensation to Kuo-ching's family. That was approved in November 2011.

In December 2011 Jung-chou was found guilty of the rape and murder of Hsieh and he was sentenced to 18 years in prison. His conviction was based on his confession to prosecutors and then in court, and that a bloody palm print found at the murder scene matched that of Jung-chou.

Footnote 1. All US\$ amounts are based on the exchange rate with the Taiwan New Dollar (NT\$) on October 27, 2011 of 30.1 NT\$ per US\$.

Sources:

[Ministry to pay executed airman's family NT\\$103m](#), *Taipei Times*, October 28, 2011

[Military court exonerates Chiang Kuo-ching](#), *Taipei Times*, September 14, 2011

[Retrial begins in wrongful execution case](#), *The China Post*, May 27, 2011

[Wrongful execution case closed](#), *Taipei Times*, May 25, 2011.

[Actual suspect in Chiang case sentenced to jail](#), *Taipei Times*, December 13, 2011.