

Chen Shui-Bian (Switzerland)

Case ID:

ARW-39

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Taiwan, China

Position of Public Official(s) (yrs in office):

President (2000-2008)

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2007

Asset Recovery End:

2015

UNCAC Offenses Implicated:

Art.15

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Actions Initiated by Foreign Jurisdiction

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

MLAT

Contributing Factors in Asset Recovery:

"Thanks to close and effective collaboration between the Taiwanese Supreme Prosecutors Office and the OAG [Office of the Attorney General], part of the funds deposited in Switzerland that are presumed to have originated from the criminal activities of former Taiwanese President has been returned to the Taiwanese authorities as an anticipated handover. No objection was raised by any of the parties to the proceedings to the return of the sum of around CHF 20 million." (Source: The Federal Authorities of the Swiss Confederation Press Release, "CHF 29 million returned to Taiwan," December 7, 2010.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to the September 4, 2015 news release by the Supreme Prosecutors Office of

Taiwan China, the Swiss authorities returned US\$6,429,018 in corruption proceeds. (Source: Press release of the Supreme Prosecutors Office, issued September 4, 2015, at <http://www.tps.moj.gov.tw/public/Data/51013112053580.pdf>) In April the prosecutors' office had issued a statement noting that "The Federal Supreme Court of Switzerland has ruled the decision to return the illegal proceeds to Taiwan at the amount of US\$6,746,840 [] acquired by the former ROC President Mr. Chen Shui-bian as bribes from the merging case of Yuanta with Fuhua during the Second Financial Reform Case and remitted to Switzerland. [] With the assistance of the Swiss judicial authorities, the bank accounts held by Chen Chih-chung and Huang Jui-ching at Bouchon of Merrill Lynch Bank (Suisse) SA and Galahad Management of RBS Coutts Bank AG, and the accounts of Avallo Ltd. and Bravo International Holdings, two companies controlled by Chen Chih-chung and Huang Jui-ching at Wegelin and Co. and Private Bankers, were frozen accordingly. [] Among the said accounts, the two accounts of Bouchon and Galahad held the illegal proceeds acquired from the Lungtan Corruption Case, the Nangang Corruption Case, the State Affairs Confidential Funds Case, and their relevant money laundering cases, totaled as approximately US\$22,614,850. [] On April 1, 2014, Federal Prosecutors Office of Swiss granted its order to remit the assets under Avallo and Bravo accounts at the amount of US\$6,746,840 (approximately equivalent to NT\$200 million) to the designated account of the SID. But Chen Chih-chung et al. appealed to Swiss Federal Criminal Court, which in January 2015 ruled out the objection appeal. Chen Chih-chung et al, then appealed to the Supreme Court of Switzerland. On April 28, 2015, the SID received the notification from Federal Prosecutors Office stating that the Supreme Court of Switzerland has dismissed the appeal of Chen and the assets of US\$6,746,840 will be remitted to the designated account of the SID accordingly. The remaining assets under Avallo and Bravo accounts should be continuously frozen awaiting the further requests from Taiwan." (Source: News release of the Supreme Prosecutors Office, April 29, 2015 on the Chen Shui Bian case).

According to a December 7, 2010 press release by the Federal Authorities of the Swiss Confederation, "The Attorney General of Switzerland has returned some CHF 20 million [\$18,899,500 of the \$34,964,000 total frozen] to the Supreme Prosecutors Office of Taiwan, part of the money that was deposited in Switzerland by the former Taiwanese President, Chen Shui-bian, who was recently convicted of corruption in his homeland." The same press release noted that as part of the Swiss criminal proceedings against Chen's son and daughter-in-law and in response to a request for mutual assistance filed by Taiwan, some CHF 37 million had been seized. Swiss investigation on the origin of the remainder of the assets is continuing. (Source: The Federal Authorities of the Swiss Confederation Press Release, "CHF 20 million returned to Taiwan," December 7, 2010.)

Disposition of Criminal Case(s):

According to an April 2015 statement by Taiwan, China's Supreme Prosecutor's Office, "In the final judgment [by the Supreme Court], Chen Shui-Bian was sentenced to the imprisonment of ten years, in addition thereto, being fined 100 million New Taiwan dollars. Wu Shu-Jen was sentenced to the imprisonment of eight years, in addition thereto, being fined 80 million New Taiwan dollars. For the proceeds of crime, Chen Shui-Bian and Wu Shu-Jen have the joint liability of restitution and confiscation for 200 million New Taiwan dollars." (Source: News release of the Supreme Prosecutors Office, April 29, 2015 on the Chen Shui Bian case)

According to a December 7, 2010 press release by the Federal Authorities of the Swiss Confederation, since January 7, 2008, the Swiss Attorney General had been conducting

criminal proceedings against Chen Shui-bian's son and daughter-in-law on suspicion of money laundering. (Source: The Federal Authorities of the Swiss Confederation Press Release, "CHF 20 million returned to Taiwan," December 7, 2010.)

Jurisdiction of Origin: Investigative Agency:

Taiwan Supreme Prosecutors Office, Special Investigation Panel

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

Taiwan Supreme Prosecutors Office, Special Investigation Panel

Jurisdiction of Origin: Courts Involved:

Taipei District Court, Supreme Court

Jurisdiction of Asset Recovery: Investigative Agency:

Unspecified

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Office of the Attorney General

Jurisdiction of Asset Recovery: Courts Involved:

Unspecified

Documents:

Attachment	Size
 Chen_Switzerland_CHF20M_Returned_PR_Dec_7_2010.pdf	80.96 KB
 Chen_Switzerland_Return_Taipei_Times_June_3_2010.pdf	238.69 KB
 Chen_US_Justice_Dept_PR_Jul_14_2010.pdf	75.67 KB
 Chen_Switzerland_Recover_Funds_Taiwan_News_Oct_6_2013.pdf	7.65 MB
 Chen_Shui_Bian_Taiwan_China_Supreme_Prosecutors_Office_PR_Swiss_Assets_Apr29_2015.pdf	18.99 KB
 Chen_Shui_Bian_Swiss_Asset_Return_Taipei_Times_Sept6_2015.pdf	154.72 KB
 Chen_Taiwan_China_Swiss_Return_PR_Sep_4_2015.pdf	63.91 KB

Other Sources:

News releases of the Supreme Prosecutors Office, September 4, 2015 at <http://www.tps.moj.gov.tw/public/Data/51013112053580.pdf>; and April 29, 2015 on Shui Bian case, at <http://www.tps.moj.gov.tw/public/Data/552612157236.pdf>

Taipei Times, "Chen Shui-bian's Swiss illicit gains returned to Taiwan," September 6, 2015, at <http://www.taipeitimes.com/News/taiwan/archives/2015/09/06/2003627068>;

The Federal Authorities of the Swiss Confederation Press Release, "CHF 29 million returned to Taiwan," December 7, 2010 (please note that the press release was obtained from www.news.admin.ch on December 15, 2010; the release notes that the information was "corrected or amended after publication."), accessed at <http://www.news.admin.ch/message/?lang=en&msg-id=36627>); U.S. Department of Justice press release, "Forfeiture Complaint Seeks to Recover Bribery Proceeds Paid to Former Taiwan President and His Family," July 14, 2010, accessed at <http://www.justice.gov/opa/pr/2010/July/10-crm-812.html>; See also Rich Chang, "Swiss banks

begin remitting money from Chen accounts," Taipei Times, May 23, 2010; Staff Writers, "Swiss bank remits more of Chen Family's money," Taipei Times, June 3, 2010. Taipei trial court decision (in Chinese) in the first Chen Shui Bian trial; Government Information Office, Republic of China (Taiwan) "History" chapter under "About Taiwan," accessed at <http://www.gio.gov.tw/ct.asp?xItem=18690&CtNode=2579&mp=807>; Taiwan News, "SID seeking recovery of Chen Shui-bian's Swiss deposits," October 6, 2013, at <http://www.taiwannews.com.tw/etn/print.php>