

Taiwanese Politicians' Manipulation of Cross-strait Issues in the Case of Taiwan Telecom Fraud

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Several days ago, Taiwanese telecom fraud suspects were repatriated from Kenya to Beijing, stirring a great tempest in Taiwan. Taiwanese media and members of the Legislative Yuan claimed that although acquitted of a charge in Kenya, these Taiwanese were deported to China, which triggered antagonism in Taiwan towards Chinese Mainland; recently, however, 20 Taiwanese telecom fraud suspects were arrested in Malaysia. The diplomatic section, Mainland Affairs Council and Ministry of Justice in Taiwan spared no effort to putting the suspects under their wings and escorting them to Taiwan. Since these people were not active criminals and there was no sufficient evidence, all of them were released in the airport. The incident once again caused disturbance in public. Taiwan's judicial departments and relevant officials were accused of handing an amnesty to criminals in Taiwanese society. In such quarrels, Taiwan invariably disregards international laws and cross-strait agreements. Especially in issues relevant to Chinese Mainland, its politicians tend to manipulate populism, which we should undertake researches and adopt certain tactics.

I. The right of jurisdiction in overseas Taiwanese telecom fraud

In terms of cross-boundary crimes, relative countries enjoy the right of jurisdiction at the same time, namely, the right concurrence. As for the Kenya repatriation case, Kenya had the right of jurisdiction according to the 'principle of territorial jurisdiction'; Taiwan shared right based on the 'principle of nationality jurisdiction'; Chinese mainland also enjoyed the same right in line with the 'principle of passive nationality jurisdiction'. As such, these three countries clashed over the 'jurisdiction concurrence'. Right now, there is a trend on this issue: levels of intimacy to the crime have to be taken into account; in practice, relative countries use to follow principles of compromise, mutual respect and proportionality to settle the problem of jurisdiction concurrence.

Both Taiwan and Chinese mainland belong to One China. However, since the cross-strait relation is subtle these years, a prototype was set up in Philippines in 2001. That is, if Chinese mainlanders and Taiwanese jointly commit telecom fraud, Taiwanese should be repatriated or extradited to the Taiwan authorities while Mainlanders to Chinese mainland. This is the so-called 'southeast pattern'. Both sides should give priority to cracking

down on crimes, temporarily leaving state sovereignty and jurisdiction aside. Currently, the Taiwanese society stagnates in the predicament: populism prevails; the legislation concerning fraud is insufficient; the judicial section gives light sentences to fraud suspects. For instance, on June 18th term of penalty for such crimes ranges from 1 to 7 years. The sentence seems too light. In practice, the Court has gotten used to giving the lightest sentence to the suspects. The underlying reason is that the Taiwanese society pays great attention to human rights and the rule of laws, which comes into shape during the social progress. However, such emphasis is more often than not mingled with populism. Hence, Taiwanese invariably focus on their own concepts of human rights while seldom concerning about human rights of ordinary people in Chinese mainland, since the mainlanders are often demonized by Taiwan authorities and its media. Many innocent mainlanders are driven desperate by telecom fraud. They have no choice but to commit suicide or take extreme actions. Facts are that the negligence led to an increase of swindlers in Taiwan in the past decade (according to Taiwanese media, the number reached 100,000). Moreover, since the penalty and fines are light, Taiwan has become a paradise for swindlers.

II. Taiwanese politicians' manipulation of public opinions concerning cross-strait issues

A group of politicians in Taiwan are extremely antagonistic to Chinese mainland. They are 'opposite to everything relevant to Chinese mainland'. Some statements of them often mislead Taiwanese people and brew cross-strait antagonism. In terms of the current Taiwan telecom fraud, their two main opinions go as follows:

1. Bullying of Chinese mainland. First, they cited the sentence of Kenyan Court, 'this group of Taiwanese in Kenya is acquitted of a charge.' So they argue that these 'innocent' Taiwanese shouldn't be taken away and then criticize Chinese mainland not a society ruled by law. As a matter of fact, mainlanders are the real victims of the telecom fraud rather than Kenyan people. Therefore, Kenyan government had to send the suspects to the victims' country and deport them out of Kenyan boundary. Ridiculously, the mother of the swindler asked DPP legislator for help and directed a tragic farce that Taiwanese were abducted by Chinese mainland from Kenyan prisons. She claimed that her son just went to a trip in Kenya, but the lie was soon exposed after the swindler admitted the crime before the mainland media. Secondly, they held that 'democratic' Taiwanese shouldn't be sent to 'automatic' mainland and asked Luo Yingxue, the minister of Justice for an explanation. Such populist mindset encountered LUO's immediate refute. She further put a fierce press release on the official website of Ministry of Justice, saying 'we shouldn't blame our fault on others'. That release also criticized some legislators including Xu

Yongming in discriminating the right and wrong, manipulating populism and jeopardizing Taiwan. Luo said, Chinese mainland enjoyed right of jurisdiction according to territoriality and since there were many victims in the mainland, it was not improper to send the suspects to the mainland. However, her statements caused a fuss in some Taiwanese. They considered it inappropriate to cede the jurisdiction to the authoritarian China. As a matter of fact, they should be engaged to the improvement of the laws and regulations rather than request Taiwanese administrative and judicial departments to bring the swindlers back. In the end, due to the light penalty given by the judicial sectors, it would once again lead to social conflicts like the Malaysian case mentioned above.

2. The conspiracy of Chinese mainland. People sharing this opinion suspected that the whole incident was plotted by Chinese mainland. In the Kenyan case, Chinese mainland disregarded cross-strait consensus. As for the Malaysian case, only at the last minute did Malaysian and Chinese government let suspects go back to Taiwan. However, such behavior went against the juridical routine that suspects and files is a integration. However, Malaysia and China only gave suspects back without files. Due to lack of evidence, Taiwanese police had no choice but to release suspects, triggering chaos in Taiwanese society. Taiwan was also labeled as ‘the paradise for swindlers’. All of these encouraged the legitimacy upheld by Chinese mainland in the Kenyan case. Even some Taiwanese thought, ‘See, Taiwanese authorities only knows to release suspects. It’s better to let those guys sentenced in Chinese mainland.’

III. Conclusion

In the first place, we should pay attention to the populism in Taiwan, actively release correct information and then win over understandings of Taiwanese society. The mainstream society in Taiwan lacks knowledge of Chinese mainland, but most people have sympathy towards the weakness. Our media should release more reports about victims of telecom frauds, let Taiwanese society realize harms of swindlers and win their support.

In the second place, we should take actions in time and give out correct information, preventing the manipulation of Taiwan politicians. A swindler’s mother asked legislators for help. They used videos and incorrect information to slander Chinese mainland as a tough hegemony and deliberately pick out police’s motions to accuse Kenyan authorities ignorant of human rights so as to mobilize Chinese mainland. To such slander, we should make instant response. In this case, we let suspects admit his crime on television, which to some extent reduced negative impact and also set up a good example.

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