

## Chapter 14

### Major Disasters and Pandemics



#### Section 1 Accident of Taroko Express No. 408 of the Taiwan Railways Administration

Taroko Express No. 408 of Taiwan Railways Administration (“TRA”) was involved in a serious accident on April 2, 2021. Minister Tsai, Ching-Hsiang of the MOJ then requested the prosecutorial authorities and the Association for Victims Support (“AVS”) to pull out all the stops for the accident. On the same day, the THPO established the “0402 Emergency Coordination Center.” Chief Prosecutor Hsing served as the Director of the Center and the Chief Secretary served as the Executive Secretary, both are responsible for staying in contact with Hualien District Prosecutors Office, grasping the site situations, and coordinating and providing necessary supports of manpower and materials. Taiwan Hualien District Prosecutors Office (“Hualien District Prosecutors Office”) set up an on-site command center at the scene of the accident, where Chief Prosecutor Yu, Hsiu-Tuan served as the Director of the Center, and Head Prosecutor Chou, Fang-Yi was in charge of matters within the Prosecutors Office. The THPO was also responsible for supervising the full mobilization of its subordinate Prosecutors Offices and related agencies to assist family members in identifying the remains of the unfortunate victims, checking and comparing DNAs, completing the examination procedures and subsequent care and assistance in a timely manner, investigating and clarifying the cause of the accident in depth, and pursuing the liabilities and punishment.

In this major disaster case, the THPO, adhering to the principle of “the government is one unit, with full commitment; caring for family members, and helping each other,” as directed by Minister Tsai, implemented the following actions:

## **I. Respect the deceased, and provide supports to let the victims return their home as soon as possible**

All staff from the Chief Prosecutor and under at the Hualien District Prosecutors Office have stopped taking leaves, where all the colleagues have relentlessly worked to fully assist the family members of the victims. Examination works and case investigation have been conducted 24 hours a day around the clock.

## **II. Feel empathy as if the tragedy was received in person and provide immediate care for family members**

Chief Prosecutor Hsing, who also serves as the Chairman of the Association for Victims Support (“AVS”), immediately instructed the AVS to set up an “Prompt Care Team” to coordinate with the dispatch of colleagues and volunteers from the headquarters and Hualien, Yilan, and Taitung branches to the scene, focusing on providing care for the family members of the victims, while cooperating with the Hualien District Prosecutors Office for on-site assistance and related services.

## **III. Listen to requests and safeguard the rights and interests of family members on compensation**

As per the instructions of Minister Tsai of the MOJ, Chief Prosecutor Hsing rushed to the Hualien Funeral Home on the evening of April 3, 2021. After understanding the situation on the scene and the needs of the victims’ families, Chief Prosecutor Hsing immediately instructed his colleagues from AVS to assist the victims’ family members to file a motion for provisional attachment upon the perpetrators. Subsequently, the related information is to be collected and compiled in the most appropriate and speedy way before being filing a motion for provisional attachment to the court, so as to prevent the perpetrators from deregistering their properties and shirking their liabilities.

## **IV. Government unity, where the MOJ and its subordinate agencies were fully mobilized**

The accident has caused heavy casualties; therefore, colleagues from the Hualien District Prosecutors Office were stationed at the Hualien Funeral Home 24 hours a day, day and night, to assist family members in identifying the remains and carrying out examination and other matters at any time. Under the emergency coordination by the THPO, the neighboring Taipei, Yilan, and Taitung District Prosecutors Office respectively dispatched their coroner, Prosecutors Investigators, and Clerks to support the Hualien District Prosecutors Office for field examinations.

Moreover, in order to facilitate the identification of the remains by remote family members in a timely manner, the Taipei District Prosecutors Office and Taitung District Prosecutors Office respectively set up a 24-hour Identification Center on April 3, 2021 to assist the family members of the victims with subsequent related identification matters. In addition, after the occurrence of the accident, New Taipei, Taoyuan, and Shilin District Prosecutors Offices also proactively indicated their readiness for supporting manpower at any time in the examination assistance. Colleagues from the Institute of Forensic Medicine have restlessly assisted in completing the DNA examinations of the remains and family members within the shortest possible time.



110.04 April 2021, report on the accident of Taroko Express No. 408 of the Taiwan Railways Administration — the 7th issue of Warm Hope e-paper from AVS

This major disaster case claimed 49 lives and resulted in more than 200 injuries. The Prosecutors of the Hualien District Prosecutors Office also actively summoned defendants and witnesses, searched for relevant premises, as well as inspected video recorders on vehicles, automatic train protection systems, train control and monitoring systems, etc. On April 16, 2021, the investigation came to a conclusion, where the seven defendants, Li, Yi-Hsiang, et al., were prosecuted for violation of the Government Procurement Act, the Business Entity Accounting Act, and the Tax Collection Act, as well as for being suspected of causing death due to negligence, committing document forgery, hit-and-run, and other crimes. (Written by Prosecutor Wu,I-Ming)



## **Section 2 COVID-19 Pandemic**

### **I. Background**

In response to the constant changing situation of the COVID-19 pandemic, the THPO established a Pandemic Prevention Supervision Center, based on a dual focus on both pandemic prevention and safety, when the COVID-19 pandemic broke out worldwide in 2020, where Prosecutor Chen, Shu-Yun served as the Executive Secretary for the Center. The Center aimed to formulate related responsive approaches pertaining to the investigation, examination, case implementations, and other contingency and expediency approaches, during the pandemic period. The national COVID-19 pandemic alert was raised to the Level 3 (hereinafter referred to as Level 3 alert) successively throughout the nation as of May 15, 2021. In coordination with the government's pandemic prevention policies, the THPO is to formulate responsive approaches as references by and guidelines for the prosecutorial authorities, so as to properly and comprehensively handle the related business.

## II. Strengthen the mechanism of contact and cooperation and combat illegal matters

1	Launched the contact platform for investigating livelihood crimes (2010/01/31)
2	Established the "Pandemic Prevention Task Force"(2020/02/27)
3	Established the "Supervision Task Force for Investigation of Crimes of Fake Messages During the Pandemic" and the "Contact Platform for Investigation of Crimes of Fake Messages During the Pandemic"(2020/05/19)
4	Established the "Supervision Team for the Investigation of Crimes of Medical Violence During the Pandemic" and the "Contact Platform for Investigation of Crimes of Medical Violence During the Pandemic"(2021/106/08)
5	Established the "Contact Platform for Prosecutors Office, Police, and Health Agencies (Disease Control Division of Department of Health) for Handling Examination Cases" and a list of contact windows (letters were sent to each District Prosecutors Office) (2021/06/10)

## III. Other responsive approaches

2020/04/10	<ul style="list-style-type: none"> <li>■ Formulated escorting procedures and related checklists for arrested or wanted suspects or defendants, etc.</li> <li>■ Formulated the "Checklist for Illegal Cases related to the COVID-19"</li> <li>■ The THPO formulated the "Checklist for Handling Examination Cases during the COVID-19 Pandemic"</li> </ul>
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#### **IV. During the period of Level 3 COVID-19 alert**

The COVID-19 pandemic alert in Taipei City and New Taipei City was raised to Level 3 as of May 15, 2021, and the alert in the rest of Taiwan was also raised to Level 3 as of May 19, 2021. Accordingly, the THPO adopted the emergency responses on May 15 and 19, 2021, respectively, as follows:

1. The "Annual Inspection of Prosecutorial Business" implemented by the THPO and its subordinate Prosecutors Offices were suspended.
2. Principles for handling suspects and cases are as follows:
  - (1) Handling of arrested or wanted suspects or defendants: Priority consideration must be given on the health and safety of the pandemic prevention personnel and the personnel on duty. The Compilation of relevant business information handled by Prosecutorial Authorities in response to and during COVID-19 compiled by the THPO on April 10, 2020 shall be referred to in such handling.
  - (2) Activation of remote video interrogation: Each District Prosecutors Office shall activate its online connection system for video equipment between the the crime duty rooms of prosecutors offices and the judicial police agencies, so as to respond to the handling of transferring suspects by the judicial police agencies.
  - (3) Interrogation methods: Depending on the actual situations, either remote video interrogation, on-site interrogation, or interrogation via escorting the suspects/ defendants to the District Prosecutors Office, is adopted.
  - (4) Examination and autopsy: Each District Prosecutors Office must go through and prepare the stock of the relevant protective equipment for the examining personnel in a timely manner, so as to respond to the judicial examination procedure during the pandemic.
  - (5) Hearing and execution: Unless otherwise for cases with timeliness, urgency, or necessity, considerations must be taken on whether the hearing schedule and case execution timing shall be deferred or flexibly adjusted, depending on each specific conditions, in the principle of the priority for pandemic prevention.

- (6) Avoidance of arraignment of prisoners: In order to ensure the health of our colleagues and avoid the spread of the pandemic, arraignments of the detained suspects must be avoided, unless otherwise for cases with timeliness, urgency, or necessity, so as not to create any gaps in pandemic prevention.
- (7) Other related pandemic prevention measures: Please refer to pages 33 to 45 of the Compilation of relevant business information handled by Prosecutors Offices in response to and during COVID-19.
3. Relax evaluation: With the approval of the MOJ, the evaluation on case deadlines handled by prosecutorial authorities were suspended from May 17, 2021 to June 30, 2021.
4. Maintain and expand flexible working hours.
5. Colleagues of the THPO and its subordinate Prosecutors Offices may work from home with the approval of the Chief of their agency.

**V. In April, 2020, one volume of 2020 Compilation of relevant business information handled by Prosecutorial Authorities in response to and during COVID-19 was published; and in April 2020, one volume of the second edition of the 2020 Compilation of relevant business information handled by Prosecutorial Authorities in response to and during COVID-19 was revised, which are used as references by and guidelines for the prosecutorial authorities, as well as a reference for business handling for all related agencies.** (Written by Prosecutor Chen,Shu-Yun)

2021/05/25	A press release was issued to explain the actions taken in response to the extension of Level 3 alert till June 14, 2021.
2021/05/26	A "Roster of emergency contacts on the video calls from District Prosecutors Offices and the police agencies in the respective district jurisdiction during the pandemic" was established.
2021/05/31	The "Operating Procedures for Releasing Prisoners/Inmates on Parole from the Prisons or the Detention Center subordinate to the Agency of Corrections in response to the COVID-19," the "Operating Procedures for Releasing Prisoners/Inmates on Parole by the District Prosecutors Offices nationwide in response to the COVID-19," and the "Written Check-in Form for people under Custody during the COVID-19" were formulated.
2021/06/01	The "Countermeasures for Judicial Examination Cases in Situations suspected of COVID-19" and the "Countermeasures for Judicial Examination Cases in Situations confirmed of COVID-19" were formulated.
2021/06/02	Letters were sent to the subordinate District Prosecutors Offices which were requested to promptly and strictly investigate cases of medical violence within the respective jurisdictions.
2021/06/02	Letters were sent to the subordinate Prosecutors Offices at all levels which were requested to suspend the handling of, or relax, the evaluation related to prosecutorial business in response to the pandemic prevention.
2021/06/04	Letters were sent to the subordinate District Prosecutors Offices which were requested to adopt necessary pandemic prevention measures for judicial examination cases, based on the balance between the pandemic prevention and safety.
2021/06/09	<ul style="list-style-type: none"> <li>■ Submission to the Ministry of Justice for the suspension of the handling of the 2021 Annual Inspection of the Prosecutorial Business.</li> <li>■ A press release was issued to have the Taipei District Prosecutors Office account for the prompt investigation of the "Law Violation in Vaccination by the Good Liver Clinic" case.</li> </ul>
2021/06/11	The "References for Handling Investigation Cases by the Taiwan High Prosecutors Office and its subordinate Prosecutors' Offices in response to the COVID-19 during the Level 3 Alert" was discussed and formulated.
2021/06/18	Letters were sent to each Prosecutors' Office at all levels which were requested to promptly and carefully handle examinations of deaths



	suspected of being subject to vaccination against COVID-19, as well as to clarify the cause of death as soon as possible.
2021/06/21	Letters were sent to Prosecutors Offices at all levels which were requested to properly supervise their Prosecutors in handling relevant cases.
2021/06/22	Submission to the Ministry of Justice, covering conclusions from the "Seminar on the Implementation of the Disposition of Deferred Prosecution with the Order for the Drug Addiction Treatment during the Pandemic" dated on June 11, 2021.
2021/06/25	Submission to the Ministry of Justice, reporting the extension of the suspension of the "Implementing Rules for Prosecutorial Authorities' Case Handling Time Limits and Delay Prevention" and the dates of the evaluation of handling various cases.
2021/06/28	Letters were sent to each District Prosecutors Offices which were requested to coordinate with the Police Department of the county (city) governments under their scope of jurisdictions to assist in providing suitable places for remote video interrogations, etc.
2021/06/30	A letter was sent to the National Police Agency of the Ministry of the Interior, asking each Police Department of the county (city) government to assist the respective District Prosecutors Office in providing suitable places for remote video interrogations, etc.
2021/07/05 2021/07/07	Submission to the Ministry of Justice on the resolution of the meeting, dated June 25, 2021, presided over by the Head Prosecutor. The resolution said that: Cases that observation and rehabilitation cannot be executed shall not be included in the calculation of the number of delayed cases.
2021/07/08 2021/07/12	Letters were sent to the First Instance and Second Instance Prosecutors Offices and the Supreme Prosecutors Office, reporting the "Statistical analysis of the newly accepted investigation cases from each District Prosecutors Offices after Level 3 pandemic alert was imposed in Taiwan,"
2021/07/09	A press release was issued, announcing to formulate the Reference Guide during the period of lifting restrictions (from July 13 to July 26) of the Level 3 alert in response to the COVID-19."
During the alert period, a total of 2,347 criminal cases and a total of 3,117 defendants, related to the pandemic, were investigated by all District Prosecutors Offices. (109/03/02-2021/07/16)	



Two photos on the top: The bailiff's office conducts field drills on the process of escorting defendants or suspects, who are at risk of infection of diseases, to the Prosecutors Office for interrogation.

The photo on the right: The newly procured protective equipment such as protective clothing and safety goggles, as well as pandemic prevention and isolation equipment for the Investigation Room.

