

# 橫跨三大洲 押解殺人犯

## Extradite Taiwan Fisherman Killer Three Continents for Judicial Trial

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◎ Article/ Huang Yong-jhang Photos/ Inspector Chen Wei-hsin

**警**政署刑事局國際科96年10月19日轉報：接獲日本籍「第15福神丸號」漁船（鮪釣船、409噸，簡稱「福」船）於非洲象牙海岸之代理商楊志傑國際電話報案：該船於同年10月16日8時，在大西洋公海（南緯2度45分、西經25度20分），船長陳○○因與越南籍船員「阮○○」發生口角，涉嫌持槍與木棍將其毆打致死。

On October 19, 2007, the Foreign Affairs Division of Criminal Investigation Bureau, National Police Agency forwarded information: They had received an international call made by Yang Jhi-Jie, the agent of Japanese "Fukujinmaru 15" fishing boat (a 409-ton tuna long-liner, hereinafter as Fuku) at Cote d'Ivoire. At 8am, October 16, in the Atlantic high seas (southern latitude 2 degrees 45 minutes; western longitude 25 degrees 20 minutes), Chen × ×, the captain of the Fuku had an oral argument with Ruan × ×, a Vietnamese seaman, and was suspected for beating the seaman to death with a pistol and a stick.

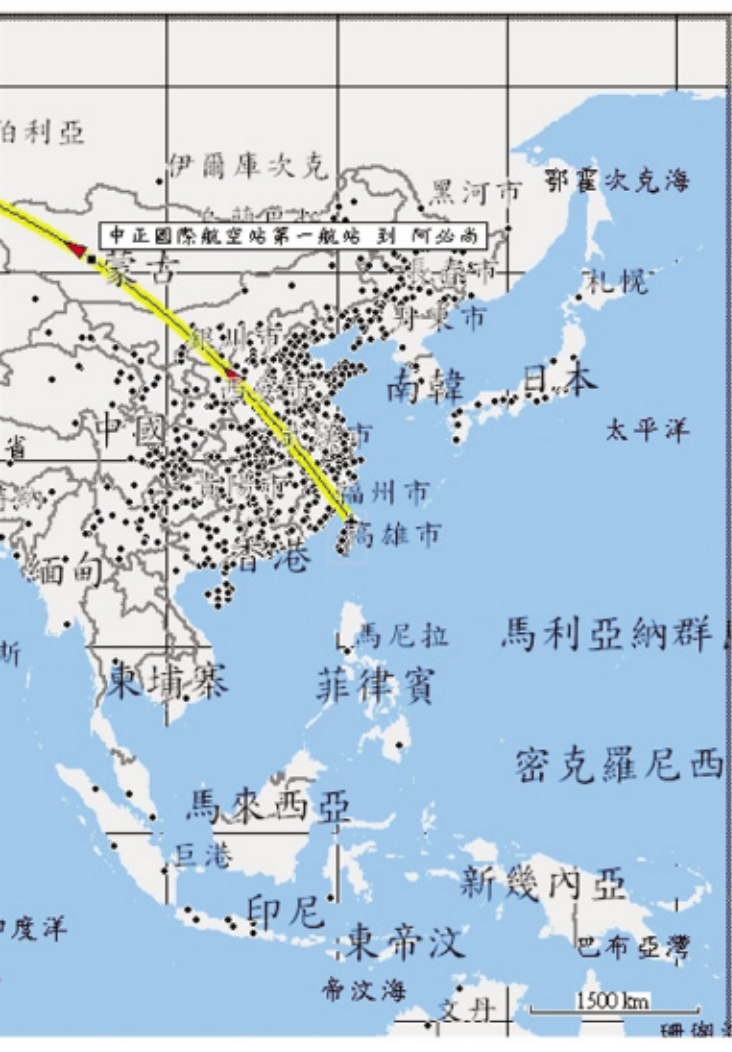




接獲上情後，海洋總局林總局長多次召開專案會議，除針對完成法定程序、釐清管轄權歸屬及與檢方連繫偵辦事宜作裁示外，亦指示報請署部與外交部協調本案處置事宜。迄至10月23日依外交部函文：鑒於時程緊迫，及為保護我國人權權益，請海巡署依業務職掌，派員赴象國處理本案，將陳嫌解送返國受害。林總局長旋奉 署長指示，並即指派國際科科長林安台、偵防查緝隊

After receiving the information, General Director Lin of the Maritime Patrol Directorate General called for several project meetings. In addition to instructing how to complete legal procedures, clarifying the jurisdiction, and negotiating with prosecutors, he supervised the staff to ask the assistance from the Coast Guard Administration (CGA) and the Ministry of Foreign Affairs (MOFA). On October 23, the MOFA sent the official letter: Regarding the urgency and the





組主任黃永璋、偵查員陳維新等3員(簡稱專案小組)赴象國偵處本案。由於事前準備周延，渠等順利於同月24日晚上許搭機前往，於象國當地時間10月26日凌晨抵達象國阿必尚，立即與我國遠東貿易服務中心駐象牙海岸辦事處王主任及船務代理面談，瞭解案情及商量偵查與蒐證事宜，當時據船務代理告知，其已與當地警方協調，本案將交由我方處理。



protection of the defendant's Taiwanese citizenship, it would have the CGA send officers to Cote d'Ivoire to investigate the case and extradite Chen back to Taiwan for judicial trial. Upon confirming the order from the minister of CGA, General Director Lin soon organized an ad hoc team-the Foreign Affairs Section Chief Lin An-tai, Investigation Brigade Chief Huang Yong-jhang, and Inspector Chen Wei-hsin to leave for Cote d'Ivoire for investigation. Because of full preparation beforehand, the ad hoc team got on the plane in the night of October 24 and arrived in the Cote d'Ivoire in the early morning at local time on October 26. Soon after arriving in Abidjan, the ad hoc team met Director Wang of Far East Trade Service Inc. Branch Office in Cote d'Ivoire, and the shipment agent to further know the case and discuss the investigation and evidence collecting measures. According to the agent's response, he had coordinated with the local police to have this case been transferred to Taiwan's sovereignty.



26日上午專案小組抵達「福」船停泊碼頭時，當地港口警察首長已在船邊等候，分別致意後離去，專案小組即先自該船浴室將遭拘禁之船長釋出，並於海圖室抽屜內起出手槍1枝、子彈7顆；接著將「阮○○」之屍體自該船冷凍艙移出，專案小組即著手訪談船長及檢視屍體，同時港區警察也前來檢驗屍體，隨後將船長與槍枝及其證件帶至警察局調查。王主任與林科長及船務代理等即一同前往警察局協調，以利要求將嫌犯交我國帶回依法處理。另2名專案小組人員則於船上對其他船員進行初步訪談。期間經協調，將「阮○○」屍體先送至當地大學附設醫院解凍，訂於28日解剖。

王主任與林科長等人抵達港區警察局後續與負責之隊長協商，初步確認調查後，全案可交我方處理。26日15時該局完成「福」船船長、大副、大車及與相關船員之偵訊工作後，復稱全案須陳報檢察官才能決定是否交我方。之後其警察首長亦前來協調，經專案小組再次表達兇嫌為我國國民，我國具有管轄權後，該首長要求我方必須提出政府授權專案小組前來提領犯嫌之文件，幾經協調，最後獲得協議，由王主任以其辦事處名義代表政府出具公文，作為我國派遣林科長等人前來接辦本案之證明。次（27）日我方人員再度前往港區警察局提供證明文件及協商，於王主任及林科長分別接受訪談，製成文件後，同日中午終獲同意，將嫌犯與其護照及槍彈等交付我方。

In the morning of October 26, as the ad hoc team arrived at the pier where the Fuku was berthed, the head of the local harbor police bureau waited there and then gave regards to everyone before his leaving. The ad hoc team began by releasing the captain, who had been retained in the bathroom of the boat, retrieved the pistol, seven bullets from the chart room, and removed the body of Ruan × × from the refrigerator. Continually, as the ad hoc team interrogated the crew, the local harbor police bureau examined the dead body and took the captain, the pistol, and his documents back to the police station for further investigation. To negotiate taking over the case under Taiwan's jurisdiction, Director Wang, Section Chief Lin, and the shipment agent went along with the police for any necessary assistance, and the other two members of the ad hoc team remained onboard questioning the other crew members. During the negotiation, the dead body was delivered to a local university hospital for defrosting and was scheduled for dissection on October 28.

After Director Wang, Section Chief Lin and the related people arrived at the harbor police station and negotiated with its chief officer, they made an early confirmation that the case could be took over by Taiwan's sovereignty. However at 15pm, October 26, the local police finished the investigation on the Fuku's captain, first mate, chief engineer, and related crew, they changed the confirmation to that the case only can be handed over with the ratification of the local prosecutor. After listening to the ad hoc team's argument that as the suspect is a Taiwan citizen so they should own the jurisdiction over the case, the police chief officer asked the ad hoc team to propose the official document which authorizes them to extradite the suspect. With several times of negotiation, the both sides made an agreement that Director Wang drew the official letter in the name of his office on behalf of Taiwan government to





起獲比利時8釐米手槍及子彈。

The evidence of Belgian 0.80 mm pistol and ammunition.



象牙海岸法醫解剖被害漁工時專案人員全程攝影記錄。

The forensic medical examiner of Cote d'Ivoire focused on dissecting the victim.

另一方面，經專案小組詢問船長陳○○坦承因管理問題，遭阮○○持刀砍傷頭部後，原欲以暗藏船上護身之手槍向其威嚇，惟因卡彈，緊急間改以木棍毆打「阮○○」；復據案發當時目擊過程之漁工所述，另佐以經當地法醫解剖，判定阮○○係全身經鈍物重擊內出血過多致死等情及有扣押兇刀2把、手槍1把及子彈7顆在案，益徵陳嫌涉嫌殺人及違反槍砲彈藥刀械管制條例等罪嫌。專案小組於10月30日早上順利將嫌犯押抵桃園國際機場，全案經複詢後移送澎湖地檢署偵辦。

本案任務非單純拘提人犯，而是須在短短三日內完成管轄權協調、命案調查、漁船蒐（採）證、屍體解剖等程序，幸賴海洋總局派出人員不辱使命，就當地解剖過程、漁船勘查、證物採證等過程之影像及相關偵詢筆錄，均能完整紀錄，以為後續司法偵審參考。另外本次橫跨三大洲赴象牙海岸成功將嫌犯押解返台接受國內司法審判，除國內各相關單位發揮專業與協調合作精神外，更有賴於駐外單位之鼎力協助，方能克竟全功。海洋總局職司海上治安維護工作，再次順利偵處本案達成任務，也確實發揮海上專業功能，彰顯海域執法地位。然因海巡署所遇此類案例不多，偵處期間仍發掘以下問題，值得檢討精進：

prove the ad hoc team being authorized for the extradition. Then on October 27, the ad hoc team again got to the harbor police station to submit the official letter and keep negotiating. The police eventually consented to hand the suspect, passport, pistol, and bullets to the ad hoc team at noon after several talks with Director Wang and Section Chief Lin.

In the interrogation, Chen × ×, the captain of the Fuku confessed the fact that at the time he was hacked by Ruan × ×, the Vietnamese seaman for management dispute, he had attempted to intimate Ruan with his hidden pistol but suddenly changed to bat Ruan with a stick for the stuck bullet. According to the witness fishermen's testimony and the dissection report made by the forensic medical expert, Ruan was killed by excessive bleeding caused by hitting with a dumb object. The ad hoc team also seized two knives, a pistol and seven bullets and would charge Chen with murder and against the Statute Regulating Firearms, Ammunition, Knives and Other Deadly Weapons. The ad hoc team successfully extradited the suspect back to Taiwan on October 30, and after the second interrogation, transferred him to the Penghu Prosecutors Office for investigation.



### 一、外交與司法

本案自10月19日接獲通報至24日歷經6日，始由署長直接指示派員前往，期間均在研究我國可否爭取到管轄權帶回陳嫌。惟外交工作實務面常須親臨現場交涉始能明確，故事前僅能預為判斷與事先運作。然在照顧國人立場上，外交工作無法等待，必須立即進行，惟司法觀點卻不同。本案順利帶回嫌犯，歸功事先透過代理商協調與王主任協助，但未到最後，誰也無法確定結果，如不能成功，亦僅能低調以對。然此情況如司法不採取行動，則外交未戰先輸。未來執法工作如何更積極與外交密切配合以維護國家權益與照顧國人，最少不失職責，實值深思。

### 二、培養談判人員

本案與當地警方談判成功，實在先取得其首長等人之友誼認同，談判有時非僅據理力爭，建立雙方感情互動也是成事因素，故海巡署就是類案件偵處上，應培養可以赴國外進行交涉之談判人員。

### 三、事前應整備完善

在當地警方同意本案交我國處理時，提出必須官方文件為憑，此狀況因外交部與海巡署均無經驗，致無法立即處置。是以，爾後類案應先備足相關文件，且必須使用當地語文，或由當地代表處預先準備，以利處置遂行。

This case was not only the suspect extraditing, but also the coordination on jurisdiction, crime investigation, evidence collection, and body dissection within three short days. Fortunately, the ad hoc team completely photographed the process of dissection, boat inspection, evidence collection, and interrogation to prepare for the following investigation. Furthermore, this successful action of extraditing the suspect from Cote d'Ivoire three continents away for juridical trial was mainly on the cooperation between the related domestic agencies, not to mention the fully assistance of our oversea representative offices. Responsible for marine security, Maritime Patrol Directorate General again successfully completes the mission to demonstrate its expertise and manifest the authority of maritime law enforcement. However, as the CGA just confronted a few similar cases, there is still some process need to be reviewed:

#### 1. Diplomacy and justice

From October 19 to 24, the minister of the CGA began to make his mind to send officers after the six days research on whether Taiwan had the jurisdiction to extradite the suspect back. Whereas diplomatic affairs can be clarified only when they are dealt on-site, we could merely predict the consequence and take possible actions in advance. The diplomacy can't wait to protect our citizen but the justice won't stay with the same attitude. This successful case should attribute to the negotiation works done by the shipment agent and the assistance of Director Wang at the beginning time. Nevertheless, no one could anticipate the result until the last minute and if the mission failed we can only keep in low profile. At this urgent time, if we didn't take judicial actions, the diplomacy might fail before the operation. In the future, the law enforcement tasks should actively go with diplomacy to secure jurisdiction and well protect the citizens.





象牙海岸警方扣留查獲之手槍。

Pistols that were seized by the police of Cote d'Ivoire.

#### 四、充分分析情勢

本案漁船代理商事先稱只要我方前往即可將人帶走，結果卻須與當地警方協調爭取兩日始取得管轄權，故偵處類案事先仍應有分析預判，充分準備。

#### 五、槍彈通關經驗

本案在象國阿比尚機場搭機回程，專案小組面交犯罪證物予法航人員時，該公司規定僅兇刀與手槍能面交機長保管，子彈則須法航人員另以紙袋包裝依託運程序直接掛至台灣桃園機場。然至巴黎機場轉機時，經治長榮航空查察，卻發現子彈未同時轉至長榮班機。是以，爾後類案可研究與航空公司協調，將槍枝拆解後零件分開置於一般行李託運，子彈則交付機長，如獲同意槍、彈即可一同攜回。

#### 2. Cultivate negotiators

The reason that the ad hoc team successfully negotiated with the local police is mainly on the recognition establishment between each other in advance. Negotiations would not always only base on rational argument, but active interactions are the factor to success. The CGA should cultivate professional negotiators capable of international affairs to cope with similar cases.

#### 3. Well preparation beforehand

At the time the local police agreed to hand this case over to Taiwan's jurisdiction, they asked the ad hoc team to submit an official document. As the MOFA and the CGA were lack of the similar experience, the ad hoc team couldn't well respond immediately. Therefore, the oversea representative offices should prepare the related documents translated into local language beforehand to increase the efficiency.

#### 4. Fully analyze the detail

Before the action, the shipment agent presumed the ad hoc team could extradite the suspect on arrival, but actually it took two days to retrieve the jurisdiction. So from this experience, we should fully analyze and prepare to manage similar cases in the future.





王主任（圖左）及船務公司代表全力協助船長陳○○（圖右）。  
Director Wang (left) and shipment company representative actively assist Chen × × (right).

## 六、加強教育船長

漁船長期在海上辛苦作業，難免有漁工心存反抗，成為地下領導人物，而船長基於作業要求，對於工作不力領導困難之漁工必心存不滿造成對立，然海上波濤險惡，彼此心存芥蒂，終有發生不幸之時，歷年來案例多有可見。本案表面上為船長殺人，而內情則為船上幹部與漁工雙方不合所導致，船長也可能成為被害者。我國籍船長帶領漁工方式多出於個人情緒及採打罵管理方式，致不幸事件一再重演。如漁政單位能對我國漁船船長施予領導教育等課程，或許可減少此類案件發生。🙏

（本文作者任職於海洋巡防總局偵防查緝隊）

## 5. Custom regulations on pistol and ammunition

When the ad hoc team checked in the return flight at the Abidjan Airport, and handed the evidence to the staff of the Air France, the staff insists that only the knife and the pistol can be deposited by the captain and the bullets should be packed and dividedly transported back to the Taoyuan Airport. However, at the time transferring the airline at Paris, they confirmed the Eva Airline for the bullets transportation and unexpectedly found it wasn't along with the same plane. Therefore, learning from this experience, we should negotiate with airliner to disassemble the pistol into parts and pack them in luggage for transportation, and then have the bullets under the captain's deposit. If the airliner agrees, the evidences can be brought back at the same time.

## 6. Leadership education for the fishing boat captains

As the harsh long-time fishing works on the sea might force the crew to produce resistance, some insidious one might become the leader of the sailors. On the other hand, the captain always hates ones who don't work hard and it buries the reason of arguments; in the roughing waves, the hidden hatred would eventually trigger off tragedies that we had found a few in the history. In this case it seems the captain simply killed one of his sailors, whereas the malicious tension between him and the sailor should be the source-in the contrary side, the captain could be murdered by the crew. The captains of Taiwanese fishing boat usually lead their sailors in emotional and physical punishment which has made tragedies happen from time to time. If the fishing agencies instruct the captains the leadership courses, the similar cases should be effectively reduced.

(The writer is now working at the Investigation Brigade of Maritime Patrol Directorate General.)