

Chapter 13

Prosecutor Responsibilities



Section 1 Criminal Duties

I. Investigation

(I) Investigations of the second instance

1. Legally established investigative duties for Civil Disturbance and treason investigations of the first instance on original and exclusive jurisdiction

(1) Investigation during the martial law era of Civil Disturbance and treason crimes

From May 20, 1949, the Taiwan provincial area was subject to declaration of complete martial law. In accordance with the provisions of Article 8 of the Martial Law Act, during existence of the period of martial law, any acts of sedition or treason, etc., in areas affected by conflict, the proper competent military authorities shall proactively adjudicate cases sua sponte or refer them to the civil Courts for prosecution. Also, in accordance with the provisions of Article 2 of the already repealed Allocation Guidelines for Taiwan Province Martial Law Era Military Justice Entities Sua Sponte Adjudication and Case Transfer to (Civil) Courts for Adjudication, cases involving treason and communist spies are to be adjudicated by the proper competent military courts, and during the martial law period investigations for sedition, treason and interference with foreign relations were handled by the Taiwan Garrison Command, while a few extraordinary cases would be the responsibility of the proper competent regularly established judicial authorities.

(2) Prosecutorial investigation of Civil Disturbance and treason after cessation and termination of martial law

After July 15, 1987, with cessation and termination of the period of martial law, crimes

involving Civil Disturbance, treason and interference with foreign relations, were subject to prosecutorial investigation by the Taiwan High Prosecutors and its branches. In accordance with the October 9, 1987 directive of the Ministry of Justice, proper scope of the crimes of Civil Disturbance and treason pursuant to Article 4, Subsections 1 and 2 of the Code of Criminal Procedure, includes the crimes specified in the Criminal Code for Civil Disturbance and treason along with any like crimes specified in special acts. Among existing law, the special acts governing the crimes of Civil Disturbance and treason in the Criminal Code include crimes defined in the Classified National Security Information Protection Act, National Intelligence Service Law, National Security Act, and Criminal Code of the Armed Forces, all of which are investigated by the prosecutors with jurisdiction of the second instance.

Status of Sedition and Treason cases handled by our Office from 1988-2020

Year	New Cases	Resolved cases	Year	New Cases	Resolved cases
2005	4	5	2014	4	5
2006	2	1	2015	3	1
2007	2	2	2016	3	2
2008	5	4	2017	4	2
2009	2	7	2018	4	5
2010	4	4	2019	1	3
2011	2	2	2020	2	2
2012	5	1	2021	2	3
2013	5	7			

2. Investigations of election-related crimes at all levels

(1) Supervision of elections

Prosecutorial entities in accordance with current legal provisions are solely responsible for pursuing election-related crimes and ensuring qualifications of candidates for central or local elections of civil servants and public officials, but during the period of national mobilization, prosecutorial entities in addition to these two missions, were also previously tasked with responsibilities for supervising central and local civil servant and public official elections. Until 1980, with promulgation of the Period of National Mobilization Civil Servants Election and Recall Act, as variously occasionally amended,



Our Office establishing the Enhanced Election Bribery Supervision Task Force, with the official plaque of the office hung at the launch ceremony by Chief Prosecutor Chen, Han

until May 1, 1991 and repeal of the regulations issued for the period of national mobilization, prosecutorial entities began to incrementally be charged with duties for supervising elections.

(2) Election-related crimes Investigations

It is the duty of prosecutorial entities to investigate and prosecute crimes involving election violence or election bribery, and the chapter of the Criminal Code originally criminalizing interference with exercising the right to vote. On May 14, 1980, Article 100 (presently Article 115) of the National Mobilization Period Civil Servants Election and Recall Act was promulgated to clearly stipulate: "For the election of central civil servants, the Prosecutor General of Supreme Prosecutors Office shall lead the prosecutors of specific levels, or for the election of local civil servants, the Prosecutor General of Supreme Prosecutors Office shall lead the subordinate prosecutors to inspect and investigate in diverse districts, monitor and supervise the election and recall, actively prosecute the criminal cases of encumbering the election or recall, and accept

the accusation, prosecution or surrender of such cases made by the government agencies, associations or individuals and investigate immediately and handle the cases with necessary measures. The prosecutors may command the juridical police to conduct the investigation of the cases referred to in the preceding Paragraph in accordance with the provisions of the Criminal Procedure Code and the Act Governing Dispatch of Juridical Police.” Thus, during elections of central government civil servants and public officials, our Office as detailed by Supreme Prosecutors Office directs and supervises all subordinate prosecutors in their duties at supervising elections; local elections are supervised by our Office directing subordinate prosecutors according to their geographic jurisdictions.

3. Participation of prosecutors of the second instance in prosecutorial investigation of crimes other than civil disturbance and treason

Prosecutor General of Supreme Prosecutors Office who took office in 1952, Chao, Chen, and his successor in 1969, Prosecutor General Wang, Chien-Chin, both stood for the principle of an integrated prosecutorial system, considering that besides stipulated duties applying as by law provided according to levels of adjudication, prosecutors of the second and third instance should also share in the responsibilities of investigating general criminal cases. Hence, our Office determined to not only supervise local prosecutors’ offices prosecution of general crimes, but for cases of exceptional social importance, there would also be specially detailed prosecutors from our Office to directly investigate the cases, and once the prosecution was mature and ready, it would then be transferred to a specific District Prosecutors’ Office for successive measures. And there were also instances where a case would involve mutual assistance among prosecutors of the first, second and third instance jointly investigating a case.

4. Supervising subordinate prosecutors of the first instance in investigating and prosecuting crimes

In accordance with Article 4 of the Code of Criminal Procedure, our Office is responsible for prosecution of the first instance with original and exclusive jurisdiction for crimes involving civil disturbance, treason or interference with foreign relations. So for criminal cases other than the aforementioned sedition, treason, and interference with foreign relations, where our Office is

directly involved in the investigation, our Office otherwise acts in accordance with the provisions of Article 63 of the Court Organization Act, to supervise prosecutors of the first instance in their criminal prosecution investigations.

(1) Supervising the investigation of crimes of interference with the public's livelihoods

- ① As early as February 24, 1955, our Office's Chief Prosecutor tasked all local Prosecutors' Office prosecutors to investigate business persons engaged in hoarding essential and sundry consumer goods, so as to ensure effective control of consumer price inflation.
- ② During March of 1955, there was an aberrant rise in domestic rice prices, so our Office tasked local Prosecutors' offices to strictly prosecute cases involving violations of the Grains' Controls Punishment Act. As a result district Prosecutors' Offices reported some 50 odd instances of illicit hoarding of 3 million kgs of rice.
- ③ In 1971, the Republic of China delegation departed from the United Nations, and Taiwan faced unprecedented challenges in its foreign relations. At the time, the international community was also faced with a series of financial, grains and the oil crisis, so the government had to emphasize controlling the price of essential goods, by issuing measures to ban monopolistic and other illegal speculation involving important necessities, and restricting prices for such necessities for livelihoods. All prosecutor entities were also to incrementally establish dedicated units of prosecutors assigned for "Crimes for Violations of Price Stabilization Measures" reporting to our Office for approval and monthly reporting of case efficacy.

(2) Supervising important and special criminal cases involving unique historical footprint backgrounds

① Pentazocine sales in violation of Controlled Drugs Act

During the 1970s and 1980s, beginning in Kaohsiung and spreading province-wide, distribution of Pentazocine, and its illicit manufacture, sales and use in violation of the Controlled Drugs Act became prominent crimes for pursuing prosecution. Later, these were replaced by Amphetamines and newly emerging drugs. When Pentazocine was popular, its

prosecution occupied a prominent position in the workload of all levels of Prosecutors' Offices, and it became a key area of supervision for our Office's operations as well.

② Tachiale and Mark Six Numbers Racketeering crimes

Round about the 1980s, as Taiwan's economy was starting to vastly expand, but access to capital markets were not yet matured or open, underground gambling became a key grey market activity. At the time there was a craze in Taiwan for investing in Tachiale numbers racketeering, adversely affecting the work ethic and home life. Even though the government had put a stop to this aberrant fad, the racketeers switched to promoting the Hong Kong Mark Six numbers racketeering instead. Only after Taiwan began opening its capital markets, did economic activities expand on an even keel, and after opening public interest lottery and sports lotteries, did the Tachiale numbers racketeering fad finally fade away.

The racketeers behind the Tachiale numbers racketeering and their runners were arrested and charged with gambling enterprise crimes under the Criminal Code; while gamblers were merely charged with general gambling participation crimes. Also, those providing newsprint or advertising space for astrological prediction or lucky numbers prediction for numbers were prosecuted by prosecutors for criminal incitement.

③ Criminal violations of Negotiable Instruments Act

Since 1929 when Negotiable Instruments Act was first enacted, fraudulent uttering of blank checks as bad checks has been criminalized, and although subject to a penalty ranging from a fine to up to three years incarceration, violations of the Negotiable Instruments Act have resulted in numerous cases, adversely affecting the ability of and compressing the time available for prosecutors to investigate other cases.

Moreover, in accordance with the provisions of the Negotiable Instruments Act, violations are not amenable to resort to use of Article 56 of the Criminal Code governing concurrent crimes, but instead are deemed for each single act to constitute a whole crime, thereby resulting in violations generating a great increase in the number of convicts under incarceration for such crimes. To resolve the caseload burdens and reduce the overflowing

prison population challenges, our Office directed all district Prosecutors' Offices to consider in appropriate circumstances, for cases involving violations of the Negotiable Instruments Act, to deploy their prosecutorial discretion to issue a disposition of dismissal or withdraw a prosecution, or to revoke the prosecution or criminal information charging document.

On July 1, 1987, the issuance of bad blank checks was decriminalized by repeal of that portion of the Negotiable Instruments Act, and our Office released a total of 1,400 check kites under incarceration, and withdrew more than 30,000 warrants for check kites.

④ Investigation of crimes of private unlicensed abattoirs, smuggled cigarettes and moonshine.

In 1950, the Taiwan area began implementing a regional stamp tax on abattoir slaughtering of cows, sheep and pigs, with an indelible ink imprinted on the carcass to indicate compliance with the tax. So, some private illegal abattoirs sought to avoid taxation by counterfeiting the tax stamp with false ink to avoid detection. After such cases were detected, prosecutors would sue the offenders for counterfeiting public documents and records. This continued until April 1987, when the slaughter tax was repealed, and the crime of tax avoiding private abattoirs became a matter of history.

Whether smuggled cigarettes constitute essential and sundry goods was disputed, so a higher tax rate was applied. In 1945, after the takeover of Taiwan, the Taiwan Provincial Monopoly Bureau was established, and in 1947 it was reorganized as the Taiwan Provincial Tobacco and Alcohol Monopoly Bureau, to continue its sole sale of tobacco and alcohol. Violators were subject to prosecution under the Taiwan Provincial Domestic Tobacco and Alcohol Monopoly Interim Act.

Then as the demands of international trade accelerated and the public sought more imported spirits and cigarettes, there were many more incidents of massive smuggling of tobacco and alcohol, so the government determined to promulgate notice of maintaining tobacco and alcohol as controlled import items, where for a specified value of smuggled items, a violation of the Smuggling Punishment Act would arise, and these types of cases were also one of the important duties for our Office's supervision of the district prosecutors office .

⑤ Violations of crimes under Personal Property Secured Transactions Act

With rapid economic development, and concomitant changes in the types of social transactions, including periodic payments and increase in collateralized personal property transactions, among which vehicles and equipment commerce were most prevalent examples. To ensure that sellers could be protected Personal Property Secured Transactions Act was promulgated to take effect from June 10, 1965, and provided for criminal liability in the event of intentional and willful violations of written contract terms and conditions. As in the past buyers often thought of the property as their own, they would rarely read the sales contract in detail, failing to note the seller's conditions for retention of ownership and prohibitions against unauthorized removal and disposal of the movable property. So criminal cases involving violations of the Personal Property Secured Transactions Act have also accounted for a significant percentage of the number of cases received by prosecutors. It was only on July 11, 2007 that amendments were announced repealing criminal liability under the Personal Property Secured Transactions Act, that these types of cases became historical relics. But violators may still be subject to crimes of fraud or embezzlement.

(II) Investigation Task Force for Criminal Profiteering Crimes

1. Background of founding

On May 20, 2000, with the first change in governing political parties, a comprehensive campaign against illegal political contributions and bribery was launched by Minister of Justice Chen, Ding-Nan, on May 24, 2000, with publication of the Eradicating Criminal Profiteering Crimes Special Project Report proposing the Criminal Profiteering Crimes Eradication Action Project. After the Executive Yuan (Taiwan's Cabinet body) adopted the measure on June 28, 2000, our Office acting on the Project report and the Ministry of Justice directive for "Combating Criminal Profiteering Crimes Preparatory Operational Principles), on July 1,

2000, our Office dedicated the official plaque and launched the Investigation Task Force for Criminal Profiteering Crimes. Then on July 7, 2000, there were established under the center four Special Investigation Divisions located respectively in Taipei, Taichung, Tainan and Kaohsiung, to undertake the implementation of the eradication of black gold action operations, in accordance with the provisions of the "Investigation Task Force for Criminal Profiteering Crimes and Special Investigation Division Operational Guidelines".

As a result of the addition of Article 63-1 to the Court Organization Act on February 3, 2006, providing that the Supreme Prosecutors Office established a Special Investigation Division with a detail of more than 6 but less than 15 prosecutors, with a Chief appointed by the Prosecutor General, and the Division prosecutors and Prosecutor's Investigator and staff positions all filled by detailments by the Prosecutor General from all levels of Prosecutors Offices as needed, along with any required professional staff detailed from other agencies as required to assist in investigations. Thus, the Investigation Task Force for Criminal Profiteering Crimes operations were



Minister of Justice Chen, Ding-Nan at the unveiling of the official plaque of Investigation Task Force for Criminal Profiteering Crimes of Taiwan High Prosecutors/ Central News Agency

formally legalized, with its' offices and dormitories, outstanding open cases and staff transferred to the Special Investigation Division of the Supreme Prosecutor's Office which was launched on April 2, 2007 when its official plaque was unveiled, and our Office from May 4, 2007, applied to the Ministry of Justice for approval nunc pro tunc to April 2, 2007, for repeal in force of the "Investigation Task Force for Criminal Profiteering Crimes of Taiwan High Prosecutors and Special Investigation Division Operational Guidelines" as had been issued by our Office, which was approved with retroactive effect by the Ministry of Justice, and our Office immediately notified all Prosecutors' offices of formal cessation of the operations of Investigation Task Force for Criminal Profiteering Crimes.

In accordance with the provisions of the "Investigation Task Force for Criminal Profiteering Crimes of Taiwan High Prosecutors Office and Special Investigation Division Operational Guidelines", the following constitute major black gold criminal cases:

(1) Bribery cases

- ① Any bribery of central government officials or judicial officers involving corruption, abuse of office or public integrity cases.
- ② Bribery or corruption cases involving central government elected officials, direct rule city mayors, deputy mayors, county commissioners, deputy county commissioners or city or county legislative Speakers, deputy Speakers, town and village mayors, or town and village council chairman or deputy chairman.
- ③ Any other civil servant or public official or elected official involving felonious bribery or corruption.

(2) Felonious violent crimes: racketeering organization criminal cases.

(3) Flagrant cases of interference in elections.

(4) Flagrant economic crimes.

(5) Serious environmental crimes.

(6) Other serious infringements of the national judicial interests or cases affecting the social order.

The Investigation Center served as a dual entity charged with investigating cases and exercising supervision over all Special Investigation Divisions' work implementation. The Investigation Task Force and Special Investigations Division efforts were classified and confidential, so after initiating a case, prior to undertaking any injunctive powers, the cases would not be assigned to particular docket numbers, unless it was essential and then the docket would merely list a John Doe defendant and case description with use of descriptor indicating it was an Investigative case, and the case numbers would be controlled.

2. Major Criminal Cases prosecuted in court by the Black Gold Investigation Center

Case	Prosecutorial result/ Peculiarities
The Jinwen College case	Illicit gains exceeded NT\$1,020,000,000 altogether; 33 perpetrators were sued, with 3 found guilty (and sentenced to terms of incarceration from 2 years and 2 months to 4 years), with 2 probation receiving , 5 were waived from suit, 1 defendant's suit was not accepted by the Court, and 22 persons were found not guilty. The case involved perpetrators at the level of major metropolitan mayors, and a wide distribution of active participants in the crime, with officials and corporate officers sharing in the conspiracy for illicit gains, and massive sums of bribery involved.
The unlawful acts of Legislative Yuan member Lo,*-Chu	There are still some defendants undergoing suit. As for legislator Lo,*-Chu, he was charged with 11 criminal counts with a maximum penalty of 30 years incarceration, and is subject to a Writ Ne Exeat Republica controlled departure order. But he nevertheless managed to abscond by being smuggled abroad, and is subject to an outstanding bench arrest warrant. This is one of Taiwan's most representative black gold corruption cases.
The case of Legislator Hung,*-Jung accepting a gratuitous loan	In this case 29 defendants were sued, and 5 found guilty (with sentences ranging from 2 years and 15 days to 4 years and 6 months), 9 co-defendants received probation, and 2 are still wanted fugitives. This case is a representative for elected officials receiving excessive loans without appropriate collateral.
The Yunlin Tuku waste earth corruption case	This case involved illicit gains of nearly NT\$740,000,000; with 10 defendants sued, including the preceding and succeeding town mayors who were punished with sentences of 12 years and 10 months, 4 persons found guilty (and sentenced from 8 months to 5 years and six months), and the other 4 respectively received probation, withdrawal of charges, judgments of " case Not Entertained", or the not-guilty verdict. Waste earth are major issues for construction and infrastructure projects and environmental protection, and this case involved a very typical corruption case for waste earth with elected officials, and gangsters the conspiracy.

Case	Prosecutorial result/ Peculiarities
The Taiwan Province Second Recycling Limited Cooperative Association case of tax evasion by Wu,*-Chih	<p>This case involves the Taiwan Province Second Recycling Limited Cooperative Association founded in 1997, relying on the business permits of companies engaged in waste earth disposal and dump sites, with several thousand individual cooperative “members” serving as strawmen accountholders, allowing the entity to issue false tax invoices for use in tax evasion. It is estimated that over five years, the Association issued false tax invoices in excess of NT\$30,000,000,000. This case found 8 defendants guilty (sentenced to terms of three months to seven months incarceration), 5 defendants were given probation, 2 defendants a judgement of “ Case Not Entertained”, and 2 defendants were found not guilty.</p> <p>This case involving use of the recycling system’s loopholes to engage in tax evasion scams resulted in investigations continuing over three years, as the most time intensive investigation of the Center to date.</p>
Legislative Yuan member Ho,*-Hui corruption case	<p>During the court of first instance and second instance, Ho,*-Hui was sentenced to a term of 19 years of incarceration, and then reduced to 15 years, respectively, then on remand to the Court of first instance, Ho,*-Hui bribed the Taiwan High Court Chief Judge and the panel of judges, and was pronounced not guilty. Later, the judicial bribery scandal erupted, resulting in the resignations of the High Court Chief Judge and the President and Vice President of the Judicial Yuan, to take responsibility.</p> <p>On second remand the High Court sentenced the defendant to a term of 14 years, which was reduced during remand to the Court of third instance to a term of 13 years with deprivation of civil and political rights for 8 years, and restitution of the illicit proceeds amounting to NT\$52,095,000, which were returned to the Hsinchu Science Park Bureau, and the case was closed.</p> <p>This case represents one of corruption among an elected county mayor and legislators, using public authority to exchange for money, and even threatening government agencies to allow the conspiracy to proceed or have their budgets be subject to review, and the daring bribery of the judges severely affected the judiciary’s morale and status.</p>
Group bribery scandal involving Chen,*-Fang, Chairperson, and the Vice Chairman, of the Jiaoxi Township Council in Yilan, and 12 others.	<p>The bribes totaled NT\$17,000,000; and 12 elected officials were involved, among whom 1 was convicted (sentenced to 10 years), 8 were found not guilty, and 2 defendants a judgement of “ Case Not Entertained”.</p> <p>This case was originally prosecuted for bribery involving the Chairperson, and the Vice Chairman, of the Chiao-Hsi Township Council in Yilan, but for a lack of evidence a non-prosecution determination was made, leaving the public very dissatisfied, so they complained to the Task Force under Minister of Justice, Chen, Ding-Nan, also an Yilan native, for help, which led to evidence of group corruption among the elected township representatives, and serving as an example of how local public corruption can affect governance.</p>

Case	Prosecutorial result/ Peculiarities
The Stock Market Vulture insider trading fraud case of Li, *-Cheng, the Chief of the Financial Examination Bureau	<p>Financial Examination Bureau Chief Li, *-Cheng, conspired along with Taiwan Stock Exchange Corporation mid-level officer Chang, *-Kuan, stock trader Lin, *-Ta, stock information association leader Chen, *-Chi, and Mega Securities Chairman Chen, *-Cheng, who was charged with perjury, while the others were charged with violations of the Securities and Exchange Act, interfering with use of computers, breaching confidentiality, unjust enrichment, and perjury crimes. Among them Li, *-Cheng was sentenced to six years incarceration, which is now under review on remand to the High court for the third time, and the six other defendants were given probation, and 1 was fined.</p> <p>When prosecutors investigated economic crimes, they were most frequently disturbed by the cases involving Stock Market Vulture insider trading fraud. This is a typical example of such crimes.</p>
The case of legislative Yuan member Chang, *-Hung, embezzling and bankrupting the Formosa Telecommunication Co.	<p>This case was primarily investigated by prosecutors, who determined that Chang, *-Hung, and 14 other defendants were suspected of buying land and engaging in stock price manipulation along with ten other major crimes, resulting in bankrupting the company, so the Taipei District Prosecutors' Office charged them with breach of trust and violations of the Securities and Exchange Act. 8 persons were found guilty (and sentenced to two months to three years and six months), 3 were given Probation, 1 was found not guilty, and 1 got a judgment of "Case Not Entertained".</p> <p>This case's investigation resulted in discovery that the CEO of Formosa Tele-communication Investment Co., Ltd., and legislator, Ko, Chien-Ming, had used a friend's check to embezzle the sum of NT\$12,000,000 from the Formosa Telecommunication Co.'s investment in the Formosa Development Co. Preparatory Office, in violation of the Commercial Accounting Act and the crime of breach of trust. After the case was transferred to the Hsinchu Prosecutors' Office to complete the investigation and initiate the prosecution, the District Court sentenced the main culprit to one year incarceration, which was reduced to six months, and could be ameliorated to a fine in lieu of imprisonment, the Taiwan High Court denied an appeal, but the Supreme Court remanded the case, and on remand the Taiwan High Court revised the decision to not guilty. Legislative Yuan member Ko, Chien-Ming had asked the then President of the Legislative Yuan, Wang, Chin-Ping, for help, as he hoped our Office's prosecutors would not appeal the not guilty verdict, and the prosecutors having not appealed, the decision would become final. Because Legislator Ko, Chien-Ming's phones were under surveillance, the attempted judicial interference was revealed, resulting in the resignation of the Minister of Justice, the termination of our Office's Chief Prosecutor, and the resignation of the Prosecutor General after final confirmed conviction for breaching confidentiality, in a case that exercises significant adverse influence on Taiwan's political and judicial communities.</p>

Case	Prosecutorial result/ Peculiarities
Former President Chen, Shui-Pien national security expenses case	This case's investigation ended in November 2006, with prosecutors determination that former President Chen, Shui-Pien, and former First Lady, Wu, Shu-Chen, Deputy Secretary General of the Office of the President, Ma,*-Cheng, Chief of Staff of the Office of the President, Lin, *-Hsun, and Accountant Chen,*-Hui, suspected of corruption. The total sum involved from Wu, Shu-Chen using other person's receipts to embezzle special national security expense funds resulted in a fraud of NT\$14,800,000. At the time, Chen, Shui-Pien was still President, and enjoyed official immunity under Article 52 of the Constitution, so prosecution could only be initiated against persons other than Chen, Shui-Pien. Among them, First Lady Wu, Shu-Chen was accused of violating the counterfeiting documents and Anti-Corruption Act; while Office of the President Deputy Secretary General Ma,*-Cheng, was charged with suspicion of counterfeiting documents; Office of the President Chief of Staff Lin, *-Hsun was charged with counterfeiting documents and perjury; and Office of the President Accountant and Treasurer, Chen,*-Hui, was charged with counterfeiting documents and perjury. One defendant was found guilty (and sentenced to 3 years and 6 months), 9 defendants remain under adjudication, 3 persons received Probation, and 1 defendant received a judgment of "Case Not Entertained".
Special expenses account case of Dr. Ma, Ying-Jeou	After investigation, it was determined that Ma, Ying-Jeou had some NT\$11,176,227 of special expense account funds which were not used for public expenses, so the Prosecutors charged violations of Article 5 Paragraph 1 Subparagraph 2 of the Anti-Corruption Act for use of public authority to embezzle things of value, suing Ma, Ying-Jeou, and asking for conviction as a multiple charges offender. And after Ma, Ying-Jeou was charged, on November 17, 2006, and November 22, 2006, he donated NT\$6,000,000, and NT\$5,600,000, respectively, indicating no retained illicit proceeds, so the Prosecutors took note of this positive attitude after the crime, and sought a light penalty, then after Ma was selected President in March 2008, the Supreme Court on April 24, 2008 maintained the not guilty verdict from the court of second instance. This case caused some controversy among party members of the Democratic Progressive Party and the KMT, for having mutually accused the other of embezzling special expense funds, which had been a shared historical issue, so on May 18, 2011, Article 99-1 of Accounting Act was amended, so that irregular use of special expense funds were decriminalized.



(III) Reinvestigating the Yin, Ching-Feng, Lin family members, Chen, Wen-Cheng, murder cases

At noon on February 28, 1980, at Section 3 of Hsin Yi Rd. in Taipei, at the resident of Lin, Yi-Hsiung, his mother, and two six year old twin daughters, were murdered, and then his nine-year-old daughter was severely injured. On July 3, 1981, the corpse of Chen, Wen-Cheng, an expatriate scholar in US was found outside the Graduate Library on the campus of the National Taiwan University. On December 10, 1993, the corpse of Capt. Yin, Ching-Feng, of the Navy Command Weapons Systems Procurement Management Office was found about 400-500m offshore by fishermen in Niaoyan Chiao near Yilan County's Tung Ao Station. As a result of the unique political backgrounds underlying the Lin family massacre and the Chen, Wen-Cheng murder, and the massive interests at stake in the military procurement scandal of the Yin, Ching-Feng murder, the prosecutions of these cases were highly sensitive and complex. Thus, these three cases involved near complete mobilization of prosecutors, police, investigators and the relevant intelligence agencies, to assiduously contribute their considerable manpower and resources for the investigation, though after many years investigating, there was no resolution, and the truth awaits discovery.

1. The reinvestigation of the Yin, Ching-feng murder



August 1, 1999, page 1/ UDN News

On July 31, 2000, President Chen, Shui-Pien publicly announced that that he was determined to get the truth of the Yin, Ching-Feng case even if it meant shaking the roots of the nation. The following day, a meeting was held among the Supreme Prosecutors Office Prosecutor General with our Office's Chief Prosecutor, the Taipei District Prosecutors Office Chief Prosecutor, police and investigator agency heads, and established the Supreme Prosecutors' Special Investigation Division, whole concomitantly borrowing two prosecutors from the Task Force of our Offices detailed to the

Special Investigation Division to restart the investigation into the murder of Yin, Ching-Feng.

Since the occurrence of the Yin, Ching-Feng murder until the Special Investigative Division restarted the investigation, seven years had already passed, so many of the persons involved had underwent major changes affecting the difficulty of the case for reinvestigation from the onset compared to even other complex cases. As of January 2011, our Office's prosecutors determined that the crime of murder is not a crime for which our Office has jurisdiction of the first instance, so to ensure regular due process of law, the case of the murder of Yin, Ching-Feng was transferred to the Taipei District Prosecutors for continuing investigation.

2. Reinvestigating the Lin family murders and the Chen, Wen-Cheng homicide

On March 12, 2009, President Ma, Ying-Jeou gave an exclusive interview to the UDN News, in which he expressed that he would consider restarting the investigations into the murders of Chen, Wen-Cheng and the Lin family. The next day, the Minister of Justice, Wang, Ching-Feng, held a meeting with the Supreme Prosecutors Office Prosecutor General and our Office's Chief Prosecutor to consider how best to respond to the social expectations for these two cases.

On the afternoon of March 13, our Office's Chief Prosecutor Yan convened the prosecutors, police and investigators to restart the dedicated investigation team, with the "Reinvestigation Dedicated Team" under the leadership of our Office's Chief Prosecutor as Convenor, along with the Taipei District Prosecutors' Office Chief Prosecutor, the Chief of the Ministry of Justice Investigation Bureau, the Director of the Forensic Science Institute, and Chief of the Criminal Investigation Bureau, along with the Taipei Police Department Chief as members of the Reinvestigation Committee. The reinvestigation team established dedicated investigation teams, with our Office's Head Prosecutor as the Executive Secretary, responsible for supervising the two investigations.

But to rekindle the investigation of an unsolved case from nearly thirty years earlier is extremely difficult, and there was little evidence gathered at the Lin family homicide, with many people having entered the scene of the murdered corpses before the arrival of the forensic specialists, having too early permitted the relatives on site, along with the rather

undeveloped state of domestic criminal forensic techniques at the time, resulting in very little evidence preserved, impeding the possibility of investigative activities towards those who might have been involved. In this reinvestigation the dedicated team focused on the evidentiary identifications that were lacking in the initial investigation at the time, along with the question suspected by many of the public that intelligence agencies were involved, so the emphasis was on gathering evidence, but given the length of time since the homicide it was difficult for the investigative techniques to have any breakthroughs, which meant there was still an acute need for tips from the public for the investigative units to follow up on.

As for the murder of Chen, Wen-Cheng, the dedicated team relied on the professional opinion of the renowned forensic scientist Dr. Henry Lee, gathered evidence for identification and analysis, interviewed important witnesses, revisited and recreated the scene, applied forensic information judgments and followed the available dossiers and files, among the investigative methods deployed, aiming to reveal the truth, and clear up the public's lingering doubts, but the sum of the evidence in the case, with forensic and identification analysis only indicated that Chen, Wen-Cheng had fallen from a high location before death, resulting in multiple organ lacerations causing massive loss of blood leading to death from shock. The site of the crime was where the fall from the 5th Floor occurred at the firebreak platform at the National Taiwan University Graduate Library and the corpse was found, with no evidence of Chloroform found at the scene nor any ether thrown down after being stunned and pushed without being knocked out. Also in accordance with Chen, Wen-cheng's locations before the fall and evidence analysis and judgment, it is believed that Chen, Wen-cheng died from multiple blunt injuries, fractures, visceral lacerations and internal hemorrhagic shock caused by falling from a significant height. As of today, there is still no (specific) evidence to determine whether it was a homicide or suicide, nor can the possibility of an accidental fall be ruled out as the most likely cause of death.



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II. Public Prosecution

(I) Special cases prior to launching the new public lawsuit system in 2003

During June, 1963, the South Hangchou Rd. fire trap homicide that shocked the nation resulted in the determination by the prosecutors that the perpetrator Chang, *-Shu was in major gambling debts, so she sought to steal gold from her elder brother in law, but was discovered by her maid, Zheng, Jane Doe, whom she choked to death and then strangled her brother-in-law's two year old toddler, and stole NTD\$5,000, before setting the home on fire to destroy the evidence. During the trial at the court of first instance, the perpetrator, Chang, *-Shu was sentenced to

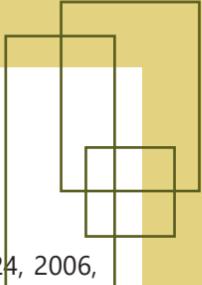
the death, and the Taiwan High Court maintained the death penalty, but the Supreme Court remanded the case, and our Office's prosecutors were responsible for the prosecution. This resulted in a determination that the evidence was incomplete with many suspicions, for a total of 14 major outstanding questions, so the prosecutors moved the Court to withdraw the death penalty, and give full accord to Article 2 of the Code of Criminal Procedure: where the prosecutors have exculpatory evidence favorable to the defendant(s), or unfavorable, they have the obligation of objectivity.

(II) Implementing the new public lawsuit system

During July 6 to 8th of 1999, the Judicial Yuan convened the Nationwide Judicial Reform Conference, with robust discussions among judges, prosecutors, defense attorneys, academia and the civic sector, to suggest reforms to the criminal lawsuit system and reach a number of significant new accords in consensus. The President then announced that these judicial reforms would be adopted as major public policy initiatives. Then the Ministry of Justice

began to implement the reforms from the meeting regarding the conclusions for “Enhancing Prosecutor Duties to Discharge the Burden of Proof” and “Implementing and Strengthening the Requirements for Cross-Examinations”, and began to promote prosecutors being individually assigned for a complete case to be present at court for the new lawsuit system.

In 2003, the Code of Criminal Procedure was amended to adopt the Modified Adversary System, deploying an adversarial cross-examination system, with cases of the first instance on appeal for the trial of the second instance making use of the adjudicative process of the first instance, but the trial court of the second instance would generally only undertake additional investigation of matters left undetermined or incomplete in the trial of the first instance, or not adduced into evidence in the first instance, to avoid repetitive investigation resulting in waste of judicial and lawsuit resources. So, during the adversarial encounter of the prosecutor of the second instance in the trial phase, usually there is examination and debate of the evidence of record in the docket as to facts and the law, but the the Supreme Court has been incrementally denying appeals for a trial of the third instance. On September 1, 2010, Article 9 of Criminal Speedy Trial Act took effect, specifically providing that where the trial court of the second instance found the defendant not-guilty, prosecutors could only seek cause for an appeal of the third instance in the event of the decision of the second instance standing in violation of the Constitution or contrary to Judicial Yuan interpretations or precedential case law, otherwise even when there is ample and good cause for an appeal, the Supreme Court would still deny the appeal. And in accordance with Article 376 Paragraph 1 of the Code of Criminal Procedure and cases stipulated thereunder, except where the Judicial Yuan Interpretation No. 752 of Constitutional Court Republic of China applies: “In cases where a defendant is found not guilty of the non-appealable offenses by a court of first instance, but a court of second instance vacates his/her acquittal and enters a conviction, the provisions fail to provide the defendant at least one opportunity to appeal and are thus in violation of the right to judicial remedy as guaranteed in Article 16 of the Constitution.” Besides still being amenable to an appeal to the court of third instance, where it is a final decision of the court of the second instance, this means for that court the prosecutors have virtually exercised the final public prosecution, so the public interest in the prosecutor of the second interest is very high.



(III) Our Office establishes the Major Social Concern Cases Special Unit

To respond to public integrity governmental anti-corruption actions, on August 24, 2006, our Office convened the Major Social Concern Cases Special Unit Meeting, which determined the Taiwan High Court would segregate cases docketed as Major Financial Crimes and High Profile Cases which had the potential to adversely affect the public integrity and public image of governmental operations, so such cases deemed to be of major social concern would be assigned to the prosecutors in Trial Docket Three or, the Major Social Concern Cases Special Unit.

And since anti-corruption actions have been replaced by national public integrity building actions, on September 29, 2010, our Office's Chief Prosecutor Meeting decided that such major social concern cases should in principle be limited to those involving serious adverse affects on government integrity (cases involving civil servants at Grade 10 (or the equivalent) or higher, in groups of 3 persons involved or more, and illicit sums involved in excess of NT\$10,000,000 and greater), but would exclude strictly economic and financial or other crimes, unless related to major government integrity cases or as approved by the proper senior competent authority. And when a major case adversely affects public integrity, after a second remand from the Supreme Court, when approved by a proper senior competent authority, the case may be duly transferred to a regular docket for prosecutorial disposition.

Following establishment of the Major Cases Affecting Public Integrity Unit, all such cases including the Taiwan Land Development Corporation insider trading, the Procomp Informatics Ltd. insider trading, Stock Market Vulture cases, and the Typhone Inc. insider trading episodes, were all handled by the assiduous work of the Unit prosecutors, achieving high conviction rates for these major corruption cases and enhancing supervision over the public integrity.

(IV) Complete deployment to Court for dedicated prosecutors assigned trial duty

To realize the new system of prosecutors completing dedicated trial duties as assigned from arraignment through conviction, in response to the Control Yuan demands, and expectations and recommendations from the Taipei Bar Association and concerned parties, on September

1, 2011, our Office's prosecutors met to discuss implementation of dedicated trial prosecution teams. Beside cases assigned to the Major Social Concern Cases Special Unit, prosecutorial assignments according to seniority and details, as assigned to Courts and staffing levels, complete their assignment court and docket requests (dubbed "the draft selection" by the prosecutors), and on September 7, 2011, we completed the High Court staff detailing chart to ensure dedicated, unitary comprehensive trial teams from arraignment through conviction. Since 2011, during the annual assignment delegations, our Office responds to changes in court and docket assignments along with prosecutorial re-assignment, through a single annual event to delegate positions as a major activity for our Office each year.

(V) Major cases were the prosecutors sought retrial in the defendant's interests as justice demanded for a not guilty verdict



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1. The homicide by Lu, *-Min

Prosecutors must be the quintessential preservers of the public interest in stewarding justice, and thus at times must appeal for review in the interests of a defendant warranting reconsideration of a conviction. On December 29, 2000, the defendant Lu, *-Min, was sued for homicide by the Shih Lin District Prosecutors' Office prosecutors, and the verdict became final after the Supreme

Court denied an appeal, leaving the defendant Lu, *-Min, as a convict under incarceration. But after our Office collected DNA samples from Lu, *-Min, which were then forwarded to the Criminal Investigation Bureau for analysis, it was determined that the victim's left breast swab had DNA from another male with a Y chromosome of DNA-STR type, different from defendant Lu, *-Min's DNA type, indicating the sample origin excluded Lu, *-Min as its source. Our Office noted that in Case 2014-Criminal Retrial No. 38, the defendant Lu, *-Min had evidence of DNA

determination indicating it was exculpatory, and reconsideration favored the defendant, so the Taiwan High Court approved, and then the High Court in 2015-Criminal Retrial No. 3 maintained the original verdict of the Shih Lin District Court in case 2001-Major Crime Case No. 1 of not guilty, then in accordance with Article 8 of Speedy Trial Act there was no longer leave for appeal, and the decision became final.

2. The homicide case against Kuo, **

On July 12, 1986, the defendant Kuo, **, (and co-defendant Su, **), were charged with robbery and attempted intentional homicide, and the Taiwan Hsinchu District Prosecutors' Office (hereafter the Hsinchu Prosecutors') filed a prosecution. Although the Hsinchu District Court held not guilty, the prosecutors appealed, and the Taiwan High Court changed the verdict to incarceration for 15 years sentence of imprisonment, which became a final decision after the Supreme Court declined an appeal, leaving the defendant Kuo, **, having completed his sentence of imprisonment in 1996 because of acculumated time served and applicable reductions in time. However, defendant Su, **, charged in the same case as Kuo, ** with robbery and attempted intentional homicide, had applied for reconsideration and writs of error coram nobis numerous times, but all were denied by the Courts, and on December 8, 2000, President Chen, Shui-Pien granted executive clemency and paroled co-defendant Su, ** in the same case. After the co-defendant Su, ** successfully petitioned for reconsideration, on August 8, 2018, the Taiwan High Court issued its decision in 2018-Retrial No. 3, denying the appeal of the Hsinchu District Prosecutors against co-defendant Su, ** from 1986. The Court maintained the not guilty verdict of the Hsinchu District Court in case 1986-Major Crimes No. 381. As the evidence in the case against co-defendant Su, ** for a not guilty verdict could be exculpatory for the case against defendant Kuo, **, the Taiwan Innocence Project decided to advocate for reconsideration of the guilty verdict, and applied to our Office for reconsideration. Our Office then convened experienced lawyers and criminal law experts twice during 2019, for retrial by our Office's representatives on an ad hoc special committee, which determined there was good cause for petitioning for reconsideration, and we lodged 2019- Retrial Petition No. 3, along with the Taiwan High Court 2005-Appeal Summary Decision No. 881 against defendant Chen, ** for

a fraud conviction, and the on scene recreation notes of Hsinchu Prosecutors' Office prosecutor, Chen, **, from August 4, 1992, as well as the Hsinchu Prosecutors' inspection of the records for gold jewelry seizures, and exculpatory evidence of co-defendant Su-**, for the not guilty verdict, which was beneficial to reconsideration in the case of defendant Kuo, **. Once the Taiwan High Court in 2019- Retrial Appl. No. 331 approved beginning reconsideration, and denied the appeal lodged by the Hsinchu Prosecutors' Office prosecutors in case 2019-Retrial No. 3, affirming the judgment of not guilty in Hsinchu District Court 1986- Remand Reconsideration No. 381, our Office declined to appeal and the verdict became final. The defendant Kuo, **, then applied for compensation to the Taiwan High Court in case 2020-Criminal Compensation No. 19, and was approved for compensation of NT\$6,210,500.

(VI) Financial Special Tribunal

In response to formation of the Financial Special Tribunal by the Taiwan High Court on January 1, 2020, with jurisdiction over crimes arising under the Banking Act, The Credit Cooperatives Act, Financial Holding Company Act, the Act Governing Bills Finance Business, Trust Enterprise Act, Securities and Exchange Act, Securities Investment Trust and Consulting Act, Futures Trading Act, Money Laundering Control Act, and the Agricultural Finance Act. From August 27, 2020, our Office detailed prosecutors from the Economic and Finance Crimes Task Force for dedicated assignment to the Financial Tribunal, enhancing the quality and conviction rate for prosecutions involving financial crimes.



III. Reconsideration

In accordance with Article 256 and supplemental amended Article 256-1, of the Code of Criminal Procedure, besides when a prosecutor or complainant (private prosecution by counsel) may file a Motion for Reconsideration for a non-prosecution (*nolle prosequi*), or a defendant apply to cancel a deferred prosecution, Motions for Reconsideration may be filed. Or when in accord with the provisions of Article 256 Paragraph 3 as amended, a public prosecutor makes a ruling not to prosecute a case, due to lack of sufficient evidentiary suspicion of offenses, where the offense is punishable with the death penalty, life imprisonment, or an imprisonment for not less than three years, or when a public prosecutor makes a ruling of deferred prosecution on a case specified in Article 253-1, if there is no person qualified for making a petition for reconsideration, the public prosecutor shall *sua sponte* transfer the matter for reconsideration. Our Office in accord with the Ministry of Justice directive of March 7, 2002, in MOJ Prosecutions No. 0910800949, distinguished between Discretionary Appeals and Mandatory Appeals in reconsideration application cases.

(I) Meetings to discuss principles governing approving determinations for lodging reconsideration

In accordance with the amendments of Article 253-2 Paragraph 1 of the Code of Criminal Procedure, the law demands that all prosecutors offices determinations of suspended or deferred prosecutions and the standards thereof should be uniform. Our Office on September 23, 2009 determined the principles governing approving determinations to file for reconsideration, and that where the written record and the suspended or deferred prosecution determination vary or differ, unless the deferred prosecution is improper, in all other instances the matter should be referred to the original Prosecutors' Office for supplemental clarification. Also, when a Prosecutor's Investigator handles a deferred or suspended prosecution, and the prosecutor handling the case has some missing materials, the Prosecutor's Investigator should notify the assigned Prosecutor of an act in excess of authority or missing materials, for return to the original Prosecutors' Office for supplementation to completion.



The temple bells (廟院鐘聲)/ink painting/121*54/Wrng,Ta-Cheng

(II) Re- Systemic Reform of Reconsideration

During the 2016 Nationwide Conference, on Judicial Reform reconsideration was taken as to the second request for reconsideration or application lodged under discretionary authority. After review by the Prosecutor General or Chief Prosecutor of the second instance, if the investigation is still deemed incomplete, and the conclusion calls for continued self-investigation in place of remanding for further investigation, then the matter comports with the Ministry of Justice directive of September 20, 2017 to our Office to study the feasibility of this approach. After our Office consolidated opinions of the various agencies, we reported to the Ministry of Justice on October 18 of the same year. The Ministry of Justice amended Article 13 of the "Implementation Points for Prosecutorial Entities' Expeditious Proper Handling of Criminal Cases", providing that where the case has been specified for reconsideration a second or further instance, if the investigation is still incomplete, in principle, the Chief Prosecutor of the Prosecutor's Office of the higher court or the Prosecutor General should conduct investigations on their own or order the entity's prosecutors to conduct investigations on their own. This new system of reconsideration has been implemented since January 1, 2017. It applies to both new and unresolved old cases. For renewed cases, the "Review and Approval of Reconsideration Cases Remand or Self-Investigation Form" should be completed.

臺灣高等法院檢察署審核訴訟轄區地方法院檢察署再議案件
紀錄表

被 告		案 由	
偵查案號	年度 偵 股 別 股	再議案號	年度上 議字第 號
送再議地檢署	臺灣 地 方 法 院 檢 察 署	二審檢察官 收案日期	民國 年 月 日
地檢署原 承辦檢察官		二審檢察官 結案日期	民國 年 月 日
再 議 結 果 (請勾選)		<input type="checkbox"/> 再議駁回 <input type="checkbox"/> 命令起訴 <input type="checkbox"/> 命令發回 <input type="checkbox"/> 發結() <input type="checkbox"/> 部分駁回() <input type="checkbox"/> 其他() <input type="checkbox"/> 部分發回()	
綜 合 評 述 (請勾選)		評 述 參 考 依 據	
<input type="checkbox"/> 特優 <input type="checkbox"/> 優 <input type="checkbox"/> 可 <input type="checkbox"/> 待改進 <input type="checkbox"/> 重大缺失		一、案件進行是否妥適 二、偵訊要點是否掌握 三、重要證據是否完備 四、相關犯行是否調查 五、法定程序是否遵守 六、強制處分是否合法 七、訴訟權益是否保障 八、處分理由是否周延 九、書類論述是否通達 十、職權運用是否妥適 十一、續查案件有無違反發回意旨 十二、偵查過程有無發生重大瑕疵 十三、原處分有無被撤銷或命補正 十四、檢察事務官之運用是否得宜 十五、其他	
<small>「綜合評述」為特優或重大缺失者，請具體說明其事由。(本欄如不敷使用，請將所述事由列於另紙，附在本表之後。)</small>			
承辦檢察官		主任檢察官 檢察長	

The comprehensive evaluation form for reconsideration cases

審核偵續再議案件發回續查或自為偵查調查表

被 告	地檢署年度 偵續案號	地 檢 署 年 度 偵 續 字 號
本 署 案 號	年 字 第 號	
再 議 結 果	<input type="checkbox"/> 1. 再行發回續查 <input type="checkbox"/> 2. 自為偵查後(駁回、命令起訴、撤銷處分、其他)	
偵 續 案 有 特 殊 情 形 發 回 續 查 原 因 (可複選)	綱 要	內 容
	<input type="checkbox"/> 1. 事實不明	<input type="checkbox"/> 重大社會矚目、案情複雜案件事實未釐清或證據未調查詳盡者。 <input type="checkbox"/> 對於發回命令指摘應調查事項與犯罪事實相關，無正當理由未調查者。
	<input type="checkbox"/> 2. 因於權限無法發動程序	案件涉及強制偵查而因於二審偵查權限(例如實施強制處分、調取通聯紀錄等)。
	<input type="checkbox"/> 3. 違背法令	認事用法違背法令或適用法則不當者。
自 為 偵 查 (可複選)	偵 查 作 為	<input type="checkbox"/> 1. 函查 事實未釐清或證據未調查詳盡者，或對於發回命令指摘應調查事項未調查者。 <input type="checkbox"/> 2. 開庭 傳喚告訴人、被告、證人、鑑定人或其他關係人。 <input type="checkbox"/> 3. 勘驗 勘驗卷內扣押物，或赴 地區勘驗。 <input type="checkbox"/> 4. 其他(請敘明具體偵查作為)
	結 果	<input type="checkbox"/> 1. 駁回 <input type="checkbox"/> 2. 命令起訴 <input type="checkbox"/> 3. 撤銷原處分 <input type="checkbox"/> 4. 其他
	檢察官	主任檢察官
	股 年 月 日	

註：1. 依部頒修正「檢察機關妥速辦理刑事案件實施要點」第十三點規定辦理，本調查表請檢察官於結案時填具。

remand for continued investigation or for self-investigation

(III) Our Office's Reconsideration Case Closing Form

Taiwan High Prosecutors Office Review of Reconsideration Cases Tabulation

Unit : Cases

Item	Discretionary Reconsideration							Mandatory Reconsideration						
	Petitions Received	Unresolved	Completed Review					Petitions Received	Unresolved	Completed Review				
			Total applications	Denied	Ordered to continue investigating	Ordered to initiate a prosecution	Other relief			Total applications	Denied	Ordered to continue investigating	Ordered to initiate a prosecution	Other relief
2005	4,383	66	4,317	2,014.60	1,540.78	-	761.62	10,358	5	10,353	9,445.02	281.59	-	626.39
2006	5,817	65	5,752	2,694.98	2,019.32	-	1,037.70	11,487	-	11,487	10,580.03	350.81	-	556.16
2007	6,537	38	6,499	3,085.85	2,225.55	-	1,187.60	12,110	1	12,109	11,054.80	468.20	-	586.00
2008	6,992	29	6,963	3,532.40	2,221.74	-	1,208.86	14,665	1	14,664	13,383.12	545.59	-	735.29
2009	8,175	22	8,153	3,821.25	2,893.28	-	1,438.47	13,879	-	13,879	12,633.34	509.14	-	736.52
2010	9,202	22	9,180	4,289.85	3,180.41	-	1,709.74	16,738	1	16,737	15,231.48	588.79	-	916.73
2011	9,172	30	9,142	4,746.15	2,671.98	5.00	1,718.87	17,496	-	17,496	16,019.49	502.66	-	973.85
2012	9,163	27	9,136	4,962.15	2,584.01	3.00	1,586.84	18,115	1	18,114	16,867.44	426.55	2.00	818.01
2013	9,538	26	9,512	5,066.36	2,706.74	3.00	1,735.90	16,940	-	16,940	15,839.65	398.71	2.00	699.64
2014	9,812	16	9,796	5,319.15	2,683.04	6.50	1,787.31	16,886	1	16,885	15,913.72	379.20	1.00	591.08
2015	9,952	16	9,936	5,594.79	2,583.53	6.00	1,751.68	16,181	-	16,181	15,080.71	520.34	3.00	576.95
2016	10,295	21	10,274	5,870.06	2,513.84	9.25	1,880.85	15,590	1	15,589	14,279.35	591.07	-	718.58
2017	10,002	27	9,975	6,141.75	2,032.15	10.75	1,790.35	16,886	1	16,885	15,723.39	457.92	1.00	702.69
2018	10,180	41	10,139	6,862.18	1,694.55	20.64	1,561.63	16,823	2	16,821	15,829.75	350.43	3.25	637.57
2019	10,459	44	10,415	6,851.76	2,014.20	19.22	1,529.82	14,181	3	14,178	13,347.23	329.80	5.50	495.47
2020	11,084	46	11,038	7,474.39	2,048.03	20.15	1,495.43	12,808	17	12,791	11,918.82	315.21	1.60	555.37
2021	10,105	65	10,040	6,769.83	1,897.79	15.80	1,356.58	11,577	11	11,566	10,634.99	345.44	-	585.57

Taiwan High Prosecutors Office Review of Reconsideration Cases Remand Status

Unit: cases, %

Entity	2016								2017							
	Total		Denied reconsideration		Ordered for continued investigation		Ordered to initiate a prosecution		Total		Denied reconsideration		Ordered for continued investigation		Ordered to initiate a prosecution	
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Totals	25,863.00	100.00	20,149.41	100.00	3,104.91	100.00	9.25	2,599.43	26,860.00	100.00	21,865.14	100.00	2,490.07	100.00	11.75	2,493.04
Investigations	24,088.62	93.14	19,093.08	94.76	2,616.63	84.27	3.50	3,784	25,326.02	94.29	20,819.65	95.22	2,190.68	87.98	3.00	2,312.69
1st Remand for Investigations	1,363.28	5.27	817.78	4.06	383.15	12.34	3.00	32.43	1,224.80	4.56	844.91	3.86	236.39	9.49	4.50	139.00
2nd Remand for investigation	295.88	1.14	176.99	0.88	65.68	2.12	2.25	24.32	226.93	0.84	147.08	0.67	48.74	1.96	1.00	30.11
3rd Remand for investigation	73.03	0.28	38.33	0.19	28.37	0.91	0.50	5.41	61.50	0.23	36.75	0.17	12.76	0.51	3.25	8.74
4th or higher remand for investigation	42.19	0.16	23.23	0.12	11.08	0.36	-	-	20.75	0.08	16.75	0.08	1.50	0.06	-	2.50
Totals	26,960.00	100.00	22,691.93	100.00	2,044.98	100.00	23.89	2,199.20	24,593.00	100.00	20,198.99	100.00	2,344.00	100.00	24.72	2,025.29
Investigations	25,782.68	95.63	21,795.83	96.05	1,925.95	94.18	3.64	15.24	23,565.47	95.82	19,445.93	96.27	2,195.74	93.67	5.34	1,918.46
1st Remand for Investigations	1,017.14	3.77	783.88	3.45	98.41	4.81	18.50	77.44	931.71	3.79	686.62	3.40	128.15	5.47	17.07	99.87
2nd Remand for investigation	116.43	0.43	81.09	0.36	16.12	0.79	0.75	3.14	75.82	0.31	58.05	0.29	11.11	0.47	0.33	6.33
3rd Remand for investigation	32.50	0.12	22.00	0.10	2.50	0.12	1.00	4.19	13.00	0.05	5.89	0.03	5.50	0.23	0.98	0.63
4th or higher remand for investigation	11.25	0.04	9.13	0.04	2.00	0.10	-	-	7.00	0.03	2.50	0.01	3.50	0.15	1.00	-
Totals	23,829.00	88.39	19,393.21	85.46	2,363.24	115.56	21.75	91.04	21,606.00	100.00	17,404.82	100.00	2,243.23	100.00	15.80	1,942.15
Investigations	22,674.62	84.10	18,551.79	81.76	2,177.06	106.46	6.16	25.78	20,512.85	94.94	16,614.40	95.46	2,070.97	92.32	2.50	1,824.98
1st Remand for Investigations	1,034.21	3.84	766.67	3.38	160.10	7.83	12.75	53.37	968.87	4.48	708.81	4.07	150.06	6.69	8.37	101.63
2nd Remand for investigation	101.17	0.38	66.75	0.29	19.08	0.93	2.84	11.89	100.28	0.46	63.61	0.37	21.20	0.95	3.93	11.54
3rd Remand for investigation	13.00	0.05	6.50	0.03	5.00	0.24	-	-	14.00	0.06	11.50	0.07	1.00	0.04	-	1.50
4th or higher remand for investigation	6.00	0.02	1.50	0.01	2.00	0.10	-	-	10.00	0.05	6.50	0.04	-	-	1.00	6.33

Taiwan High Prosecutors' Office and Branches Review of Reconsideration New Cases Accepted Original Investigative Disposition Distribution Statistics
2021

Item		Total	Investigations		1st Remand for investigation		2nd Remand for investigation		3rd Remand for investigation		4th or higher remand for investigation		Units: cases
				%		%		%		%		%	
Review of reconsideration cases	Total	47,955	46,370	96.69	1,437	3.00	123	0.26	16	0.03	9	0.02	
	Taiwan High Prosecutors Office	21,619	20,518	94.91	980	4.53	97	0.45	15	0.07	9	0.04	
	Taichung Branch	8,428	8,331	98.85	94	1.12	3	0.04	-	-	-	-	
	Tainan Branch	6,805	6,635	97.50	155	2.28	14	0.21	1	0.01	-	-	
	Kaohsiung Branch	8,157	8,032	98.47	118	1.45	7	0.09	-	-	-	-	
	Hualien Branch	1,701	1,674	98.41	26	1.53	1	0.06	-	-	-	-	
	Intellectual Property Branch	993	932	93.86	60	6.04	1	0.10	-	-	-	-	
	Kinmen Branch	252	248	98.41	4	1.59	-	-	-	-	-	-	
Discretionary reconsideration cases	Total	18,406	17,221	93.56	1,057	5.74	105	0.57	16	0.09	7	0.04	
	Taiwan High Prosecutors Office	10,059	9,212	91.58	742	7.38	83	0.83	15	0.15	7	0.07	
	Taichung Branch	2,932	2,857	97.44	72	2.46	3	0.10	-	-	-	-	
	Tainan Branch	2,086	1,969	94.39	105	5.03	11	0.53	1	0.05	-	-	
	Kaohsiung Branch	2,350	2,272	96.68	72	3.06	6	0.26	-	-	-	-	
	Hualien Branch	416	395	94.95	20	4.81	1	0.24	-	-	-	-	
	Intellectual Property Branch	513	468	91.23	44	8.58	1	0.19	-	-	-	-	
	Kinmen Branch	50	48	96.00	2	4.00	-	-	-	-	-	-	
Mandatory reconsideration cases	Total	29,549	29,149	98.65	380	1.29	18	0.06	-	-	2	0.01	
	Taiwan High Prosecutors Office	11,560	11,306	97.80	238	2.06	14	0.12	-	-	2	0.02	
	Taichung Branch	5,496	5,474	99.60	22	0.40	-	-	-	-	-	-	
	Tainan Branch	4,719	4,666	98.88	50	1.06	3	0.06	-	-	-	-	
	Kaohsiung Branch	5,807	5,760	99.19	46	0.79	1	0.02	-	-	-	-	
	Hualien Branch	1,285	1,279	99.53	6	0.47	-	-	-	-	-	-	
	Intellectual Property Branch	480	464	96.67	16	3.33	-	-	-	-	-	-	
	Kinmen Branch	202	200	99.01	2	0.99	-	-	-	-	-	-	

Taiwan High Prosecutors Office and Branches Review of Reconsideration Completed and Reconsideration Denied or Remanded Case Disposition
Distribution Statistics
2021

Item		Denied						Remanded						Ordered to initiate a prosecution						Units: cases
		Total	Investigations	1st Remand for investigation	2nd Remand for investigation	3rd Remand for investigation	4th or higher remand for investigation	Total	Investigations	1st Remand for investigation	2nd Remand for investigation	3rd Remand for investigation	4th or higher remand for investigation	Total	Investigations	1st Remand for investigation	2nd Remand for investigation	3rd Remand for investigation	4th or higher remand for investigation	
Review of reconsideration on cases	Total	41,365.01	40,172.96	1,086.28	86.77	12.50	6.50	3,427.96	3,192.15	206.68	27.13	1.00	1.00	32.63	11.34	16.36	3.93	-	1.00	
	Taiwan High Prosecutors	17,404.82	16,614.40	708.81	63.61	11.50	6.50	2,259.03	2,073.47	158.43	25.13	1.00	1.00	15.80	2.50	8.37	3.93	-	1.00	
	Taichung Branch	7,917.81	7,829.64	85.17	3.00	-	-	210.66	206.66	4.00	-	-	-	2.84	2.84	-	-	-	-	
	Tainan Branch	6,066.59	5,924.67	127.26	13.66	1.00	-	362.59	342.73	18.86	1.00	-	-	-	-	-	-	-	-	
	Kaohsiung Branch	7,473.46	7,373.93	94.03	5.50	-	-	342.30	324.90	16.40	1.00	-	-	3.00	1.00	2.00	-	-	-	
	Hualien Branch	1,550.15	1,526.65	22.50	1.00	-	-	75.12	74.12	1.00	-	-	-	1.00	-	1.00	-	-	-	
	Intellectual Property Branch	726.38	679.37	47.01	-	-	-	160.26	153.27	6.99	-	-	-	9.99	5.00	4.99	-	-	-	
	Kinmen Branch	225.80	224.30	1.50	-	-	-	18.00	17.00	1.00	-	-	-	-	-	-	-	-	-	
Discretionary reconsideration on cases	Total	13,287.68	12,448.78	752.13	69.77	12.50	4.50	2,884.69	2,677.38	178.18	27.13	1.00	1.00	32.63	11.34	16.36	3.93	-	1.00	
	Taiwan High Prosecutors	6,769.83	6,194.73	508.49	50.61	11.50	4.50	1,913.59	1,750.53	135.93	25.13	1.00	1.00	15.80	2.50	8.37	3.93	-	1.00	
	Taichung Branch	2,522.81	2,456.64	63.17	3.00	-	-	175.41	171.41	4.00	-	-	-	2.84	2.84	-	-	-	-	
	Tainan Branch	1,529.87	1,437.78	80.43	10.66	1.00	-	305.51	287.65	16.86	1.00	-	-	-	-	-	-	-	-	
	Kaohsiung Branch	1,834.79	1,778.76	51.53	4.50	-	-	272.30	257.90	13.40	1.00	-	-	3.00	1.00	2.00	-	-	-	
	Hualien Branch	296.87	279.37	16.50	1.00	-	-	63.62	62.62	1.00	-	-	-	1.00	-	1.00	-	-	-	
	Intellectual Property Branch	300.71	269.20	31.51	-	-	-	143.26	136.27	6.99	-	-	-	9.99	5.00	4.99	-	-	-	
	Kinmen Branch	32.80	32.30	0.50	-	-	-	11.00	11.00	-	-	-	-	-	-	-	-	-	-	
Mandatory reconsideration on cases	Total	28,077.33	27,724.18	334.15	17.00	-	2.00	543.27	514.77	28.50	-	-	-	-	-	-	-	-	-	
	Taiwan High Prosecutors	10,634.99	10,419.67	200.32	13.00	-	2.00	345.44	322.94	22.50	-	-	-	-	-	-	-	-	-	
	Taichung Branch	5,395.00	5,373.00	22.00	-	-	-	35.25	35.25	-	-	-	-	-	-	-	-	-	-	
	Tainan Branch	4,536.72	4,486.89	46.83	3.00	-	-	57.08	55.08	2.00	-	-	-	-	-	-	-	-	-	
	Kaohsiung Branch	5,638.67	5,595.17	42.50	1.00	-	-	70.00	67.00	3.00	-	-	-	-	-	-	-	-	-	
	Hualien Branch	1,253.28	1,247.28	6.00	-	-	-	11.50	11.50	-	-	-	-	-	-	-	-	-	-	
	Intellectual Property Branch	425.67	410.17	15.50	-	-	-	17.00	17.00	-	-	-	-	-	-	-	-	-	-	
	Kinmen Branch	193.00	192.00	1.00	-	-	-	7.00	6.00	1.00	-	-	-	-	-	-	-	-	-	



Prosecutors conduct the final interrogation prior to enforcing the death sentence at the detention center / Reproduced from "Inheriting History, Heading for the Future" / Ministry of Justice

IV. Enforcement

The most important part of the prosecution of the second-instance is enforcement of the death penalty, followed by enforcing penalties to liberty or fines. Enforcement of the death penalty requires a final determination of a death sentence by the Supreme Court duly transmitted to the Supreme Prosecutors' Office, which then officially notifies our Office, and our Office issues the Command Instructions for Execution (type B), while continuing to incarcerate the prisoner, to ensure final enforcement of the sentence of death. After the Minister of Justice signs the death warrant of execution for a death row prisoner, Supreme Prosecutors Office will send the relevant files to our Office. Our Office will handle the case under a docket for "Enforcement" actions. The prosecutor will then first confirm whether the case has been finally decided, and whether the prisoner has filed for extraordinary appeal or retrial. If it is confirmed that the case has been duly finally determined and the prisoner has not filed for retrial or for an extraordinary appeal or writ of error, coram nobis, our Office will contact the Taipei Prison and Taipei Detention Center to task them to comply with Article 91 and Article 31, Paragraph 2 of Prison Act. Then there will be a determination of whether immediate blood relatives or a spouse of the death row inmate shall have demised within seven days thereof, or whether relatives of the third degree or other collateral relatives demised within the most recent three days, and we will duly announce the date of execution on said date. We will also issue the relevant official notices, and contact the forensic pathologist, our Office's mailroom, our bailiff's office and the

general affairs department and related departments for cooperation. At the execution grounds of the Taipei Detention Center, after the prosecutors complete final interrogation of the inmate they will allow the inmate to enjoy their last meal. Then the bailiffs will execute the sentence of death by firing squad. After 20 minutes expire, the prosecutor and forensic pathologist immediately examine the corpse. After the determination of death, a certificate of death is issued and the corpse is handed over to the Taipei Prison of the Agency of Corrections, Ministry of Justice for disposition. The Ministry of Legal Affairs promulgated the "Regulations Governing Death Penalty Enforcement", providing the execution of the death penalty must be kept confidential and no information may be disclosed, to ensure safety of the relevant personnel involved. From 1948 to September 2019, our Office has executed 397 death row prisoners.

In the case of penalties affecting liberty or fines, for cases prosecuted by the District Prosecutors office which are handled in accordance with the "Key Points for Attention by Prosecutors of the High Prosecutors Office and its Branch offices in Handling Enforcement Cases", where the entire case is confirmed and no prisoners remain in custody, our Office's

Trial docket division will issue the lawsuit documentation to the District Prosecutors Office for enforcement. In cases involving detainees or partially confirmed judgments, our Office handles the matter, with cases involving detainees forwarded by our Office to the prison with a warrant of incarceration enforcement. However, if it is a case prosecuted by any of the three District Prosecutors Offices of Taipei, New Taipei, or Shihlin, with a misdemeanor sentence of less than 6 months imprisonment, permission to settle the sentence with payment of a fine in lieu of custody, or community service, then the matter is forwarded to that Prosecutors Office



Image above: The Smith & Wesson Hand Ejector Model of 1899 used for enforcement of the death penalty in 1972/ Taiwan High Prosecutors' Office Taichung Branch

Image below: The M90 Beretta pistol currently used in enforcing the death penalty, with silencer attached.

for enforcement; otherwise our Office issues enforcement orders to the District Prosecutors Office.

In cases with final judgments for civil disturbance, treason, and interference with foreign relations, in accordance with Article 4 of the Code of Criminal Procedure, the venue for jurisdiction of first instance of such cases belongs to the High Court, so such cases are prosecuted by our Office. Once judgment is decided and confirmed final by the High Court or the Supreme Court, it will be enforced by our Office and will not be forwarded to the District Prosecutors Offices.



turn the tide /ink painting/235*110/1985/Wrng,Ta-Cheng

Section 2 Supervisory Activities

I. Dedicated Prosecutorial Assignments

Prior to the Administrative Separation between Judges and Prosecutors, the Ministry of Judicial Administration on October 21, 1964 issued the “Ministry of Judicial Administration subordinate Entities Dedicated Prosecutorial Assignments Guidelines” to supervise and delineate the scope of authority and division of labor assigned to subordinate prosecutorial entities. Taiwan High Prosecutors Office (hereafter, the High Prosecutors Office) in accordance with the Taiwan High Prosecutors Office Prosecutorial Duties Guidelines (issued in 1966), assigns and delegates supervision, review and approval of all subordinate prosecutorial offices. Venues under territorial jurisdiction for supervision include the four districts of the Southern Region, Northern Region (Taipei, Keelung, Hsinchu), Central and Eastern Region (Hualien, Taitung, and Yilan). In 1978, the Ministry of Judicial Administration Civil and Criminal Affairs Prosecutorial Guidelines stipulated that the High Court prosecutors would be detailed and assigned by delegation from the Ministry of Judicial Administration, to deploy for supervision of the criminal prosecution activities of District Prosecutors Offices.

On July 1, 1980, following the Administrative Separation between Judges and Prosecutors, to enhance the prosecutorial functionality and improve case handling efficacy, guidance was provided for operational promotion and critique of deficiencies, through a biannual prosecutorial operations audit process. The first audit occurs in the first half of the year with the Ministry of Justice and Supreme Prosecutors’ Office working along with our Office’s prosecutors to undertake inspections of prosecutorial work at all subordinate District Prosecutors Offices, along with auditing administrative operations. The second inspection occurs in the latter half of the year, with random selection of some District Prosecutors Offices for audits. After 1994, the Ministry of Justice no longer deployed staff to participate in the audit procedures, with the Supreme Prosecutors Office working with our Office to supervise audit processes of all subordinate Prosecutors Offices prosecutorial and administrative activities. From 1999, the Supreme Prosecutors Office no longer participated in this inspection operation, with the work performed by our Office and branch High Prosecutors Offices, in accordance with the provisions

of the first clause of Article 5 Paragraph 2 of the Taiwan High Prosecutors Office Enhanced Prosecution of the second instance prosecutorial functions Guidelines, stipulating every first half of the year there should be deployed prosecutors to jurisdictions over suits to inspect the said District Prosecutors Office activities.

To ensure that a unified and integrated prosecutorial system enhances supervision of prosecutorial activities, providing that cases will not sit unresolved in limbo, each Prosecutors Office of the second instance began in 1985 to to deploy prosecutors to inspect all unresolved cases in their respective jurisdictions for monthly reporting (on the monthly unresolved cases report form), and from July 2000, in accordance with the Prosecutorial Entities Timely Resolution and Anti-Limbo Operational Guidelines promulgated by the Ministry of Justice, providing that every quarter (three months) there should be deployed personnel to inspect whether prosecutors in their jurisdiction have any cases without good cause with no progress in the past three months or without good cause or with flimsy excuses and lacking resolution.

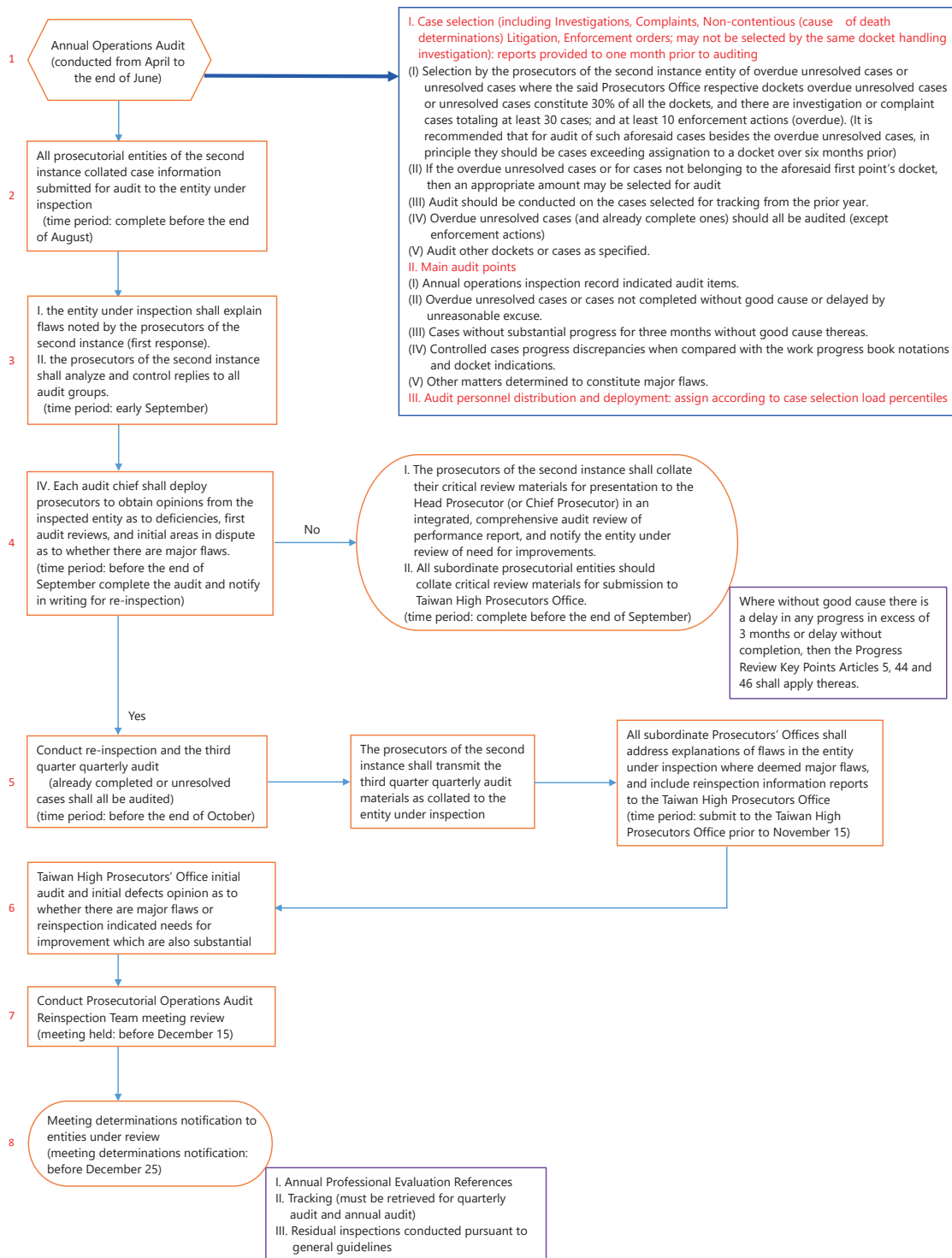
To strengthen high Prosecutors Offices in their supervisory functions over all subordinate prosecutors offices, to assiduously expedite and improve their annual workload and any existing deficiencies, our Office began in 2020 to task inspectors in the third quarter to complete re-inspections by the end of October. Annual re-inspections efficacy, should ensured completion by October of the same year, with nationwide decline in unresolved cases year on year by 34.05%, and audit results were integrated into prosecutors annual year end occupational evaluations.

In order to strengthen our annual prosecutorial activities inspection and improve the inspection efficiency, in addition to establishing a comprehensive tracking, supervision and evaluation mechanism, our Office adjusted the 2021 Calendar Annual operations inspection method in March 2021 and no longer went through a "general inspection". The new audit selection principles are as follows: 1. The number of overdue outstanding cases or unresolved cases selected by the prosecutorial entity of the second instance constitute 30% of the leading dockets of the Prosecutors Office overdue outstanding or unresolved cases. 2. If there are no overdue outstanding cases or they do not belong to the dockets of the above-mentioned first point, the cases may be considered by discretion. 3. Cases listed for tracking in the previous

year should be investigated. 4. Overdue outstanding cases (including closed) should be fully investigated (excluding enforcement actions). 5. Other designated dockets or cases. The dockets selected by the above selection methods are only those with a large number of outstanding cases in the Prosecutors Office. The purpose of the operations inspection is to provide assistance in resolving these problems, and not merely to focus on critiquing deficiencies. It is also expected to find advantages or cases of special referential value, recording them in detail, and listing these advantages as a reference in future operational evaluations. Therefore, the Prosecutors Office of the second instance in 2021 newly added annual operations inspections and selecting 1 to 2 prosecutors with outstanding prosecution operations performance from each local prosecutors office after completing the 2021 Annual prosecutorial operations inspection, and submit them to our Office for commendation. The key points in the inspection include items shown in the annual operations inspection record sheet, for overdue cases or unresolved without reason or with poor excuses, which have not been substantively advanced for over 3 months without good cause, and new case management and case handling books inconsistent with data in the files, as well as instances determined to constitute other major deficiencies. In addition, the review mechanism for major deficiencies which has been added to the 2021 annual operations inspection, in order to identify major deficiencies and consider review procedures for re-inspection cases that will be more comprehensive (see *supra*, as shown in the attachment: "Annual Inspection Operations Inspection and Re-inspection (Third Quarter Inspections) work flow").

In view of the current status of our practical operations, and in order to clarify the determination of "substantial progress" in cases, our Office has undertaken the necessary investigative actions in order to clarify the facts of cases and facilitate a solid grasp of the case and discovery of the facts, through "site search, search for wanted fugitive information, retrieving criminal history and criminal records, investigating detainees, investigating service units, retrieving household registration information, retrieving (borrowing) files, retrieving evidence, telephone directories, retrieving judgments, retrieving information, research on legal issues and relevant practical judgments, and related conduct", all deemed to be "substantial progress." In May 2021, this was reported to the Ministry of Justice for approval, and all subordinate prosecutorial offices were duly notified by letter.

Annual Inspection Operations Inspection and Re-inspection (Third Quarter Inspections) work flow



II. Operations Supervision

For the operations supervised by the Supervision Unit, kindly see the Chapter 3 "Supervision Unit" contents.

III. Performance incentives review

(I) Review of major criminal cases (including election bribery)

According to some provisions of the Judges Act implemented from July 6, 2012, prosecutors no longer have any official status distinctions or ranks, and are not subject to the performance appraisal provisions of the Public Official and Civil Servant Appraisal Act and its implementation rules, so there are no longer incentives such as awards, credits, or enhanced credits. The Ministry of Justice seeks to encourage the Chief Prosecutor and prosecutors to take the initiative and direct judicial police personnel to proactively investigate major criminal cases, giving full effect to prosecutors in handling cases, highlighting the prosecutor's judicial attributes, and rewarding other personnel who assist or cooperate with cases in order to eliminate public grievances, safeguard national and social interests, and enhance our judicial credibility. Since 2013, prosecutors (and Chief Prosecutors) who have made outstanding contributions are commended based according to the "Key Points for Recognizing and Rewarding Prosecutors' Investigation and Handling of Major Criminal Cases".

Since 2013, our Office has implemented a Ministry of Justice directive, dispatched to all subordinate Prosecutors Offices, in accord with Article 7 of the aforementioned Key Points, recommending nominating Chief Prosecutors and prosecutors who have made outstanding contributions in all manner of cases (including election bribery cases) listed Article 2 Paragraph 1 Subparagraph 9, for reporting to our Office by the nominating agency, by completing an initial nomination form with concomitant documentation to the Ministry of Justice, while election bribery cases are initially reported to Supreme Prosecutors Office.

(II) Prosecutorial Entities' Public Complaints Review, and evaluation of Exemplary District Prosecutors' Offices

1. Origins

To optimize prosecutors' efficacy in crime fighting and enhance our judicial credibility, the Ministry of Justice established the "Prosecutorial Entities' Plan for Eliminating Public Complaints about Crimes" in response to "current criminal cases evoking public complaints." On May 27, 2010, a letter was issued to all level of Prosecutors' Offices, tasking Prosecutors' offices before June 20 of the same year to report to our Office or the Kinmen (Quemoy) Branch Prosecutors' Office, the percentiles of "current criminal cases evoking public complaints". And by October 10 of the said year to report Major Cases and Effective Deterrence Measures for formally launching prosecutorial entities implementation of duties to address public complaints.

After our Office received the aforesaid Ministry of Justice directive and plan, the then Chief Prosecutor, Yen, Ta-He, delegated Head Prosecutor, Hung, Wei-Hua, to implement the plan in our Office, and on June 18, 2010, our Office convened a meeting to discuss implementation. Later, the Ministry of Justice amended the plan's name to the "Prosecutorial Entities Public Grievances Elimination Plan" and revised its' contents on June 28, 2010.

(III) Selection process

Our Office supervises all District Prosecutors Offices to actively plan, handle and implement investigation and performance evaluation for public grievances regarding various crimes. Each District Prosecutors Office selects important and representative matters to formulate common items and customized cases reported annually to our Office for selection. Evaluations procedures begin with requesting the Prosecutor General to designate a prosecutor in our Office's Combating Crimes Against Livelihoods Supervision Unit to conduct the initial review, and then submit the preliminary results to our Office's Commendations for Exemplary Prosecutor's Performance in District Prosecutors' Office and Prosecutorial Entities' for the Plan for Eliminating Public Complaints about Major Crimes (and election bribery), with the initial audit team conducting re-inspection, to determine selections of "Exemplary District Prosecutors' Offices" for nomination to the Ministry of Justice for approval of commendations and awards.

Since 2011, our Office has annually reviewed the performance efficacy reported by District Prosecutors Offices. Our report is forwarded to the Ministry of Justice to approve awards. As of 2019, Exemplary District Prosecutors Offices have been selected for commendation 39 times, with the Minister of Justice personally handing out the awards and recognition.

(IV) Awarding those contributing to investigate environmental protection crimes

1. Origins

In recent years, public awareness for environmental protection has risen, and investigating environmental crimes and reviewing litigation have been listed as priorities for discussion at the Nationwide Conference on Judicial Reform in 2017. In addition to the high degree of professionalism required for prosecuting such cases, searching for evidence is extremely arduous and time-consuming. Thus, our Office's Chief Prosecutor Hsing in early October 2020 especially proposed the Environmental Protection Administration, Executive Yuan, that in addition to the Golden Environment Award presented to prosecutors, police officers, and environmental protection agencies involved in investigating environmental crimes, the prosecutorial entities should also publicly commend and recognize exemplary prosecutors and prosecutor's investigator for their hard work in investigating environmental crimes. This evinces to the citizenry nationwide the resolve and determination of prosecutors to actively investigate and prosecute environmental crimes.

2. Planning process

(1) Mid-October to late November of 2020

- ① Our Office's Documentation Section Clerk in charge collated all the Golden Environment Award winning prosecutor candidates and cases (from 2016 to 2020) among all the District Prosecutors Office award nominations to our Office.
- ② We collect the criminal information indictment documentation and decision of the first instance judgment for the aforementioned cases.
- ③ We screened and retain cases between 2016-2020 with a conviction in the court of first instance.

- ④ We collect media reports about the cases in item 3, supra.
 - ⑤ We send a document to each District Prosecutors Office, recommending the Office consider personnel involved in contributing to successful prosecutions of environmental protection crimes.
 - ⑥ We actively plan nationwide anti-environmental protection crime promotional activities and an awards ceremony for those contributing to successful investigation and detection of environmental protection crimes.
- (2) December 27, 2020: Our Office held an awards and selection meeting for persons contributing to successful investigation and detection of environmental crimes. In the past, it was revealed that from among the numerous information in item 1 supra, the award-winning finalists were selected, allowing us to recommend the Ministry of Justice determine the final slate of awardees (for 5 each of individual awards and group awards).



Section 3 Operational Liaison and Contact

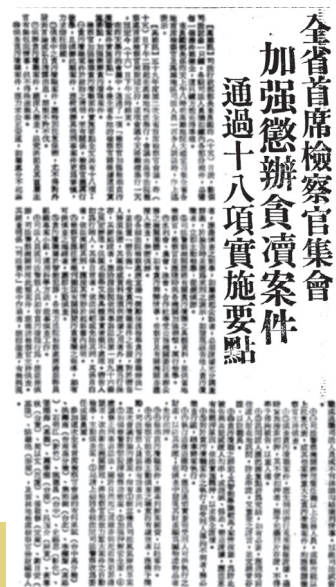
I. Meetings of prosecutors at all levels

(I) Chief Prosecutor's Operational Forums

We have no definitive archival data for verification of when our Office first began conducting operational forums amongst the heads of prosecutorial organs, or agendas of the meetings. But, from our Office's retained extant meeting minutes, we can summarize the operational forums agenda to ensure agency heads usually working in various places on weekdays to come together to share about implementing prosecutorial operations, exchanging opinions and promoting smooth progress in prosecutorial operations. The forums concomitantly conveyed current major criminal policies, ensuring heads of prosecutorial entities full understanding, conducive to policy

promotion. The fora also allowed heads of various prosecutorial entities opportunities to provide specific, feasible suggestions for use in decision-making.

Also, the fora invited scholars and experts to deliver lectures at apropos times, along with special reports from prosecutorial entities designed to enhance professional knowledge, improve prosecutorial operations, and strengthen prosecutorial functions.



Section 3 on June 16, 1970 / UDN News



The 2nd Chief Prosecutor Operations Symposium in 2020-Visited by TSMC



The Chief Prosecutor Operations Symposium conducted in 2021

(II) Head Prosecutors of the first and second instance operations seminar

The role of the Head Prosecutor is to serve as the backbone for the "Integrated Prosecutorial System", urging subordinate prosecutors to forge an overall solid organization in accord with the command and supervision by the chief prosecutor and chief prosecutors at all levels, to properly exercise prosecutorial powers, and ensure detailed investigations. Also, deploy internal control measures through command, supervision, and distribution of duties to avoid abuse of prosecutorial authority, and achieve social justice. Additionally, as social relations become ever more complicated, types of crimes have also evolved to more organized and diversified forms, with cross-jurisdictional and international cases also increasing significantly. Prosecutors in these kinds of cases should handle the case as a unified team, and form a strong investigative unit with integrated command and supervision, to improve investigation quality through teamwork, preventing individual prosecutors from holding different standards for prosecution judgments, or even abuse of prosecutorial powers. The Head Prosecutor serves as a beam steel structure supporting the team, allowing prosecutors to be combined into a strong prosecution unit. Deploying a pyramid command system, they work together to prosecute crimes and promote effective prosecutorial power. This is especially so since all actions in a country under the rule of law must adhere to the due process of law. Prosecutors investigate crimes and prosecute



2020 Annual Operational Forum for Head Prosecutors of the first and second instance

on behalf of the nation, and must strictly abide by legal procedures. The Head Prosecutor is responsible for supervising prosecutors' adherence to due process of law and compliance with protecting fundamental constitutional rights, and the principle of proportionality. They must also supervise their prosecutors to practice the precepts of "precision justice" through rigorous investigation, careful prosecution, and detailed trials, increasing case conviction rates and avoiding disputes over investigative methods, which could result in distrust of the justice system.

The Ministry of Justice annually convenes the Head Prosecutor operational forum for new chief prosecutors; on May 5 and 6, 2008, for the first time there was convened a forum for head prosecutors of the first and second instance, aiming to fully give expression to the head prosecutor's duties and provide a robust platform for open communication of opinions.

(III) Operations seminars were held for the prosecutors of the first and second instance for their respective jurisdictions

1. Basis

In accord with the provisions of Article 6 Paragraph 1 of the "Taiwan High Prosecutors Office Key Points for Implementation of the Prosecutorial Functions of the Second instance", every two years the prosecutorial entities of the second instance shall convene the prosecutors of the first and second instance to hold operational symposiums according to their territorial (litigation) jurisdiction, so as to exchange their case handling experience and communicate their opinions. Every two years, our Office develops implementation plans and forwards them to subordinate High Prosecutors' offices for the operational symposia for prosecutors of the first and second instance in their respective territorial (litigation) jurisdictions. We found that these key points were formulated and implemented on November 4, 1985, and it was stipulated that symposiums should be held every year. Since 2008, our Office has held a national Head Prosecutors of the first and second instance operational symposium, but due to limited funding and to avoid overly frequent meetings that would affect operations, this operational symposium has been handled only every other year since 2008 among the Head Prosecutors of the first and second instance.

2. Function and purpose of the operational symposiums

The prosecutors of the first instance are responsible for investigation, public prosecution in court, and judgment enforcement activities, while prosecutors of the second instance are responsible for reviewing transfer of jurisdiction, reconsideration, public prosecution in court, and enforcement operations, as well as holding operational symposiums for prosecutors of the first and second instance. Besides promoting operational liaison and contacts among prosecutors, symposia also strengthen professional exchanges amongst prosecutors of the first and second instance, especially regarding their review of necessity of remand in reconsideration cases, when prosecutors of the second instance prosecutors must conduct their own investigations, and determine to accept or decline requests of prosecutors of the first instance for transfer of jurisdiction, and applicable standards. As early as of April 20, 1985, the prosecutors of the first and second instance operational symposiums enjoyed robust discussions, especially concerning the citizenry's demands for judicial human rights protections and procedural requirements, prosecutorial operations improvements and functionalities, as with each passing day the variety of types of crimes was evolving. The improvement of investigative skills, along with social changes leading to violence, environmental and drug crimes, and even problems facing public prosecution reforms could all be improved through symposiums and discussions, which served the function of unifying prosecutorial operational practices and legal opinions, indicating the obvious necessity of these events. Pursuant to the "Taiwan High Prosecutors Office Key points for strengthening prosecutorial functions of the second instance" issued by the Ministry of Justice on November 4, 1985, the Chief Prosecutor of the High Prosecutors Office (the predecessor of our Office), Shi, Ming-Chiang, convened the first meeting on April 20, 1985 of the Taiwan High Prosecutors Office Territorial Jurisdictional Entities' Prosecutors of First and Second Instances' Operational Symposium.

Since that first convening, the event has served to not only resolve many practical problems in case handling, but also offered many valuable suggestions through interchange of opinions. For example, the main topic of the 1994 Annual Operational Symposium for Prosecutors of the First and Second Instances within the Territorial (Litigation Jurisdiction) of our Office was on how to strengthen investigation of criminal cases under the regulations governing administration



2007 Prosecutors of the first and second instance operational symposium



2019 Prosecutors of the first and second instance operational symposium

of tobacco and narcotic drugs in order to implement prohibitions. It was suggested that all District Prosecutors Offices establish anti-drug supervision teams, we invited anti-drug agencies to participate, and created an anti-drug supervision unit in our Office. Through inter-ministerial task organization, all relevant agencies were invited to participate to integrate anti-drug responsibilities. After being sent to the National Anti-Narcotics Conference in 1994 for approval, and upon our Office issuing the Key Points for prosecutorial entities strengthened inspection and control of tobacco and drug enforcement, starting from July 1, 1994, anti-drug enforcement teams were established in District

Prosecutors offices, with our Office creating an anti-drug enforcement supervision unit, ensuring integrated efforts, achieving exemplary efficacy, and demonstrating the value of these symposia. From 1998, to broaden prosecutors' horizons, apart from routine discussions on central issues and proposals, special lectures have also been arranged, with outside experts who are not prosecutors invited to deliver special reports.

Upon issuance of the Constitutional Interpretation No. 392 declaring prosecutors' power to detain defendants to be unconstitutional, the Code of Criminal Procedure was amended in 1997 and the right of determining pretrial detention and custody was devolved on the

judiciary. As prosecutors lost the right to detain suspects, and it was enacted into the Judges Law, among outside observers and some legislators, prosecutors began to be seen as merely administrative officials, so protection of prosecutors' identities were facing myriad challenges, placing in jeopardy the status of prosecutors representing the nation in the fair enforcement of penalties. In the face of these systemic shocks, during the operational symposium held on May 15 and 16, 1998, Prosecutor Chen, Jui-Jen, then Taiwan Shih-Lin Prosecutor announced formation of the "Prosecutors Reform Association", noting its goal was to struggle "to defend prosecutors' judicial attributes", "Improve collaborative case handling organization", "Establish the Head Prosecutor voting system", and "Regularly appraising chief prosecutors by grassroots prosecutors", expressing their resolve for reform, and motivating many prosecutors to sign up for membership, achieving critical mass for power to reform.

II. Operational liaison and contacts meeting between prosecutorial entities and military units

(I) Convening the "Operational Liaison and Contacts Meeting between Prosecutorial Entities and Military Organizations"

After jurisdiction in military cases was transferred to judiciary for trial, the Ministry of National Defense discovered that prosecutors' investigations and handling of military-related cases adversely affected leadership and internal management of the armed forces. Prosecutors' investigations of military-related cases were laden with obstacles and challenges. In response to these challenging objective facts and to implement the "Key Points for Prosecutorial Entities Handling Criminal Cases Involving Military Organizations", a platform for the "Prosecutorial Entities and Military Organizations Operational Liaison and Contacts Conference" was established. Taiwan High Prosecutors Office and the Ministry of National Defense alternately convene the operational liaison meetings, and the Chief Prosecutor of the Taiwan High Prosecutor's Office and the Vice Minister for Administration of the Ministry of National Defense are the co-Convenors of the meeting. In principle, these meetings are held once a year, in June of each year. In addition to attendance by the Minister of Justice, the Minister of National

Defense, the Vice Ministers, and the Chief Prosecutor of the Supreme Prosecutors Office, attendees include the chief prosecutors of the first and second instance, senior commanders and commanders of various military services.

1. On June 13, 2018, the first "Operational Liaison and Contacts Meeting between Prosecutorial Entities and Military Organizations" was convened.

After establishment of the liaison conference platform, the first "Prosecutors and Military Organization Operational Liaison and Contact Conference" was convened on June 13, 2018, which reached a consensus on the following topics, aiming to ensure investigation procedures for military law cases transferred to the general judicial system were proper and more thorough.

- (1) To ensure instructive resolutions on wanted fugitives among military personnel involved in crimes and shorten investigation and handling periods in controversial cases.
- (2) The prosecutorial entities should provide military legal affairs, inspectors and other commanders an opportunity to present their opinions in cases of military disobedience and the dereliction of duty by post guards. After appreciating the impacts of the entire case on military requirements including duty discipline, leadership and control, comprehensive consideration should be given before approving case closure.



2018 Operational Liaison and Contacts Meeting between Prosecutors and Military Organizations / Ministry of National Defense

2. On July 23, 2019 the second "Prosecutors and Military Organization Operational Liaison and Contacts Conference" was convened.

In accord with the "Prosecutors Entities and Military Organization Operational Liaison and Contacts Meeting Practice" adopted at the first meeting, the second round of the meeting was hosted by our Office. The following topics were discussed and consensus resolutions were attained at this conference.

- (1) Shorten investigation and handling of drug-related cases.
 - (2) Recommended that official documents transferred by the Military Police gendarmerie or military agencies of various regions seeking an investigation should include the names of superior military officials in the unit of the person suspected of involvement or in a higher-level agency as the point of contact.
 - (3) Recommended the Ministry of Justice approve military personnel legal related case settlement documents to be electronically transmitted to the Ministry of National Defense, to help the Ministry of National Defense expeditiously ascertain results of military-related legal cases. (The Ministry of National Defense contacted the Ministry of Justice for assistance on this topic before the meeting, and on September 6, 2019, submitted prosecutorial documents for exchange of security agreements and application forms, ensuring the Information Division of the Ministry of Justice tasking for follow-up military legal related cases' prosecutorial documents exchange and liaison.)
- (II) On June 30, 2020, the "National Defense Science and Technology New Knowledge and Security Exchange Symposium" was convened.

On June 29 and 30, 2020, our Office held the 1st Chief Prosecutors Operational Symposium for 2020, because of the increasing importance of national security issues, to promote operational exchanges between military agencies and prosecutorial entities, and strengthen confidentiality protection to maintain national security. The chief prosecutors of the first and second instance visited the National Chung-Shan Institute of Science & Technology (hereafter, NCSIST) on June 30, and convened the "National Defense Science and Technology New Knowledge and Security Exchange Symposium." The event was co-chaired by the Chief Prosecutor of the Taiwan High Prosecutors' Office and the President of the NCSIST, with

invitations to the Minister of Justice, the Minister of National Defense, the Chief Prosecutor of the Supreme Prosecutor's Office and personnel from relevant prosecutorial entities and military agencies invited to participate. In addition, the NCSIST, Han-Hsiang Aviation Industry Co., Ltd., National Security Bureau, and Taiwan High Prosecutors Office were invited to submit special reports on maintenance of national security, national defense science and technology secrets, and high-end operations' secrets, allowing participants to understand the imperative of issues affecting our national security.

A number of consensuses were attained in the forum event, including establishment of a regular communications platform, dedicated windows of contact, and regular exchanges between prosecutorial entities and national defense science and technology industry agencies, as well as establishment of prosecutorial entities' liaison contacts and response actions when investigating and handling relevant national security or operations' secret cases involving the NCSIST.



2020 National Defense Science and Technology New Knowledge and Security Exchange Symposium / National Chung-Shan Institute of Science & Technology



Mt. Qilai/1973/96 × 69 cm • Watercolor on Paper/LI Che-Fan/Taipei Fine Arts Museum

Section 4 Operational Duty Lectures and Workshops

Date	Workshop Name	Course	Lecturer(s)
2020.11.12	Anti-Corruption Effort Workshop Executive Secretary: Prosecutor Chen, Chia-Hsiu	The prosecution of the second instance in terms of investigating anti-corruption cases (Part 1) (includes guidelines for pleadings and documentation, review for discretionary reconsideration and experiences with cases of public prosecutions of the second instance)	Taiwan High Prosecutors Office Prosecutor Lu, Kuang-Hua
		The prosecution of the second instance in terms of investigating anti-corruption cases (Part 2) (including investigation of bribery crimes and corruption case investigative procedure guidelines)	Taiwan High Prosecutors Office Prosecutor Chen, Shu-Yun
		The prosecution of the second instance in terms of investigating anti-corruption cases (Part 3) (including techniques regarding investigating enrichment by public officials and corruption crime)	Taiwan High Prosecutors Office Prosecutor Chou, Shih-Yu
		Team deployment modalities for investigating corruption cases	Taiwan High Prosecutors Office Prosecutor Chen, Chia-Hsiu

Date	Workshop Name	Course	Lecturer(s)
2020.12.10-11	National Security Case Practicum Workshop Executive Secretary : Prosecutor Tai, Wen-Liang	Trends in Chinese Communists' Infiltration of Taiwan and Pre-emptive Protective Practices	National Security Bureau Director Wang, Tso-Yu
		National Security Case Investigative Techniques and Practices to obtain Evidence	National Security Workstation, Ministry of Justice Investigation Bureau Director Chang, Yu-Jui
		Anti-Infiltration Act criminal modes analysis and investigative guidance	Department of Prosecutorial Affairs, Ministry of Justice Head Prosecutor Lin, Ying-Tzu
		National Security case investigative practices	Taiwan Taipei District Prosecutors Office Prosecutor Lin, Ta
		Chinese Communist Intelligence Officers' Operations toward Taiwan	National Security Workstation, Ministry of Justice Investigation Bureau Chief Lin, Tung-Cheng
		National Security Case Criminal Modes and Case Analyses	Taiwan High Prosecutors Office Prosecutor Tai, Wen-Liang
		National Security Case Public Prosecution Practices	Taiwan High Prosecutors Office Prosecutor Hsiao, Fang-Chou
		From Nation Defense force investigation cases discuss amendments of the five main National Security Acts' impacts on preventing Chinese Communists' Infiltration Practices	Military Security Brigade, Political Warfare Bureau, MND Commander Hung, Sheng-Hui
2020.12.25	Workshop on Breach of Trust and Fiduciary Obligations Executive Secretary : Prosecutor Chen, Meng-Li	How to judge a case of breach of trust	Taiwan High Court Judge Shen, Chun-Ling
		Legal responsibilities for a corporate manager receiving illicit commissions or bribes	Taiwan High Prosecutors Office Prosecutor Li, Chin-Jung
		Determination of Property Losses and Damages incurred from breach of trust by interdisciplinary knowledge integration	Taiwan High Prosecutors Office Prosecutor Chen, Meng-Li

Date	Workshop Name	Course	Lecturer(s)
2021.01.07-08	Trans-border fraud crime case practicum workshop Executive Secretary: Prosecutor Wu, Kuang-Li	Trans-border fraud case trend analysis and fraud information database use	Taiwan High Prosecutors Office Prosecutor Wu, Kuang-Li Taiwan High Prosecutors Office Prosecutor's Investigator Chang, Ying-Chun
		Investigating trans-border electronic and telecommunications fraud experience sharing- starting with a discussion of the Montenegro Case	International Criminal Affairs Division, Criminal Investigation Bureau Director Chang, Wei-Lun 7th Investigation Corps, Criminal Investigation Bureau Director Li, Chi-Hsun
		Aspects of trans-border fraud cases- discussing the cases of the Dominican Republic and Montenegro	Taiwan Taichung District Prosecutors Office Head Prosecutor Hsu, Ching-Sen Taiwan Taichung District Prosecutors Office Prosecutor Chang, Shih-Chia
		Cryptocurrency trans-border financial flows tracing	Mr. Hsu, Ming-En (External expert and scholar)
		Taiwan High Prosecutors Office Technology Investigation Data Center presentation and visit	Taiwan High Prosecutors Office Prosecutor's Investigator Lin, Hung-Sheng Taiwan High Prosecutors Office Prosecutor's Investigator Li, Wei-Che

Date	Workshop Name	Course	Lecturer(s)
2021.01.22	Drug Deferred Prosecution Practicum Workshop Executive Secretary : Prosecutor Teng, Chih-Ping	"Preventing Drug Recidivism Reporting" coordination platform creation and District Prosecutors Office official duties and responsibilities of the Officer in Charge	Taiwan High Prosecutors Office Prosecutor Teng, Chih-Ping
		Case transfer procedures for Deferred Prosecution	Psychiatry Department, Antai Medical Care Corporation Antai Tian-Sheng Memorial Hospital (TSMH) Director Dr. Chin, Wen-Chen Taiwan Kaohsiung District Prosecutors Office Prosecutor Chen, Hsiao-Chien
		Implementing and Completing Deferred Prosecution	Taipei City Hospital Songde Branch Director, Integrated Addiction Prevention Model Center Plan Director Dr. Huang, Ming-Chi Taiwan New Taipei District Prosecutors Office Prosecutor Lin, Ta
		Revoking Recidivist Drug User's Deferred Prosecution	Jiannan Psychiatric Center, Ministry of Health and Welfare Director Dr. Li, Chun-Hung Taiwan Shihlin District Prosecutors Office Prosecutor Huang, Mu-Han

Date	Workshop Name	Course	Lecturer(s)
2021.01.27	Creating a friendly Crime Victims' Compensation Review Mechanism Workshop Executive Secretary: Prosecutor Chen, Shu-Yun AVS Supervisor: Chen, Chuan-Chuan	Creating a friendly Crime Victims' Compensation Review Mechanism	Taiwan New Taipei District Prosecutors Office Prosecutor's Investigator Huang, Meng-Chieh Taiwan Taichung District Prosecutors Office Prosecutor's Investigator Tseng, Yao-Hsien Taiwan Tainan District Prosecutors Office Prosecutor's Investigator Yu, Yun-Hui
		Fundamental Knowledge in Trauma Informed Practice	Counselor Huang, I-Pai,
		Crime Victims' Compensation Review Practice and Directions for Reforms	Department of Prevention, Rehabilitation and Protection, Ministry of Justice Deputy Director Lin, Che-Hui

Date	Workshop Name	Course	Lecturer(s)
2021.02.26	Criminal Proceeds Seizure and Forfeiture Workshop Executive Secretary : Prosecutor Huang, Shih-Yuan	Criminal Proceeds Seizure and Forfeiture Workshop	College of Law, National Taiwan University Professor Lin, Yu-Hsiung
		Exclusive Economic Zone and Vehicle License Case Illicit Proceeds Confiscation	Taiwan Taichung District Prosecutors Office Head Prosecutor Chan, I-Chang Taiwan Shihlin District Prosecutors Office Prosecutor Liu, Tung-Yun
		Violations of Pharmaceutical Affairs Act, Illegal Aircraft Act, Drug and Environmental Protection Case Criminal Proceeds Confiscation	Taiwan New Taipei District Prosecutors Office Prosecutor Chuang, Sheng-Po Taiwan Shihlin District Prosecutors Office Prosecutor Huang, Mu-Han Taiwan Taichung District Prosecutors Office Prosecutor Huang, Yu-Wen Taiwan Yunlin District Prosecutors Office Head Prosecutor Wu, Wen-Cheng
		Sharing about International Mutual Judicial Assistance in Confiscation and Asset Forfeiture Cases – the example of the Lafayette Procurement Scandal as an example	Taiwan Taipei District Prosecutors Office Prosecutor Liu, I-Ting

Section 5 Operational Duties

I. Evolution of Duties

(I) Judicial Reforms

On July 6, 1999, the Judicial Yuan convened the Nationwide Judicial Reform Conference at the Taipei International Conference Center, in the first major judicial reform meeting to include representatives of the judiciary, prosecutors, lawyers, and civil society leaders. The conference confirmed the direction for adoption of the Modified Adversary System in Taiwan's criminal procedure, achieving a broad consensus for advancing equality among parties, strictly adhering to the Rules of Evidence, demands for implementing and strengthening cross-examination, limited the time for conducting interviewing of defendants and investigating a defendant's confession or testimony, promoting criminal trials of co-defendants together, segregating determination of facts and of appropriate sentencing procedures, amending the private prosecution system to emphasize public prosecutions and only accord secondary access to private prosecution, and expanding adoption of summary proceedings and procedures. The event broadly affected the next decade of criminal procedural reform and development.

In conjunction with the new Modified Adversary System, in implementing public prosecutions, the Ministry of Justice on June 1, 2000, directed the Taiwan Shihlin District Prosecutors' Office and the Taiwan Miaoli District Prosecutors' Office to establish Prosecution Sections, to lead the way in realizing "Prosecutorial officials with specialized duties, and full-time deployment to trial in public prosecutions", while also instructing the Taiwan High Prosecutors Office to bear responsibility for supervising implementation, and to prepare for the new criminal procedural system. On February 8, 2002, the President promulgated partial amendments to Articles 161, 163 and 253-1 to 253-3 of the Code of Criminal Procedure, confirming the direction of the Modified Adversary System, deploying prosecutors to an entire trial, ensuring the public prosecution bears the actual burden of proof for presenting evidence in Court, and the judiciary may in accord with their judicial authority investigate matters to supplement as needed. And this was to be fully implemented from September 1, 2003, as the Courts began to realize their new appearance.

To ensure District Prosecutors Office prosecutors could focus their effort on prosecutions, and engage in discharging their duties to adversarial counteracting of defenses, in 2002 there were also amendments to add a Deferred Prosecution system, expanding the prosecutorial discretion available to determine whether to sue, to reduce the number of cases from public prosecutions or summary proceedings in Court.

As for any deferred suspended prosecution cases where no person qualified for making a petition for reconsideration, the prosecutor of the first instance shall sua sponte transfer such cases to send the matter to the prosecutors of the second instance for review of reconsideration, thereby greatly increasing the reconsideration review responsibilities of Taiwan High Prosecutors Offices.

(II) The establishment of Intellectual Property Branch, Taiwan High Prosecutors Office

To ensure protection of intellectual property rights, and appropriate handling of intellectual property cases, advancing the national technology and economic development, the government determined to create a dedicated intellectual property court, and on March 5, 2007, the Legislative Yuan adopted the



The President of the Judicial Yuan, Lai, In-Jaw, Minister of Justice, Wang, Ching-Feng and Taiwan High Prosecutors' Office Chief Prosecutor, Yen, Ta-He unveil the official plaques of the Intellectual Property Court.

Intellectual Property and Commercial Court Organization Act, and on March 28, the Executive Yuan issued a responsive directive establishing the Intellectual Property Branch, Taiwan High Prosecutors Office in conjunction with the Intellectual Property Court (the present "Intellectual Property and Commercial Court"). Our Office also acted upon a directive of the Ministry of Justice of May 10, instructing the establishment of a Preparatory

Activities Working Group, to plan operational duties of branch Offices, manpower deployments, administrative and office matters, budget allocations, and office and dorm leasing. And on July 1, the Intellectual Property Court and Intellectual Property Branch, Taiwan High Prosecutors Office were both simultaneously established, with the Chief Prosecutor position concomitantly held by our Office's then-Chief Prosecutor, Yen, Ta-He, while the Minister of Justice, Wang, Ching-Feng and the President of the Judicial Yuan, Lai, In-Jaw, and Taiwan High Prosecutors' Office Chief Prosecutor, Yen, Ta-He jointly unveiled the official plaques of the new entities.

(III) Change in the name of the Prosecutors Office

In 1945, when the Nationalist Government took over Taiwan, the Japanese era Taiwan Soutokufu High Court Prosecutorial Bureau was renamed the Taiwan High Court Prosecutors Section, marking the beginning of the prosecutorial system under the Republic of China. In June 1980, the President promulgated amendments to the Court Organization Act, and on July 1 announced the Administrative Separation between Judges and Prosecutors, which legally meant that prosecutors as officers of the Court, were now instead members of Prosecution organs attached to the Courts, with each level of court and its' prosecution organs respectively assigned to the Judicial Yuan or the Ministry of Justice, while our Office's official name as the Taiwan High Court Prosecutors' Section, did not however change. On December 24, 1989, in conjunction with amendments to the Court Organization Act, we were renamed the Taiwan High Court Prosecutors Office, and our agency head, the Chief Prosecutorial Officer was renamed the Chief Prosecutor.

After the separation of the judicial and prosecutorial authorities in 1980, prosecutorial entities independently exercised their criminal investigative and public prosecution authority, distinct from the Courts and no longer in a subordinate relationship to the judiciary. The prosecutorial organs were originally named the Court Prosecutors Office, which easily confused the public as to the respective roles of judges and prosecutors, resulting in misunderstanding that prosecutors somehow appertained to the Courts, so in 2017 the Nationwide Judicial Reform Conference resolved in caucus to eliminate the word Courts from the office title, as appropriate to the actual segregation of the courts and prosecutors. On May 8, 2018, the Legislative Yuan

passed on third reading Article 5 of the Ministry of Justice Organization Act and Article 114-2 of the Court Organization Act, to take effect from May 25, of the same year, and prosecutorial entity names no longer included the word "Court:". Thereafter, our Office name went from the Taiwan High Court Prosecutors' Office to the new Taiwan High Prosecutors' Office, and our Chief Prosecutor led our colleagues in unveiling the new official plaque for our office.



May 25, 2018, our Office is renamed the Taiwan High Prosecutors Office; and the image at the left is our Office's official Seal, and the image at right is an imprint of the official Seal



The old name of our office (image at left), and new name (image at right) at the Main Entrance to the Judicial Office Building



II. Drug Prevention

(I) Drug enforcement and interdiction

Our national efforts at comprehensive drug enforcement and interdiction have been through several major historical milestones beginning with the period from the arrival of the national government to Taiwan in late 1949, through June 2, 1952, when our primary national anti-drug law was the Cigarette and Drug Interim Punishment Act¹. Then from June 2, 1952 through June 3, 1955, our efforts focused on the opium crime provisions of the Criminal Code. After June 3, 1955, we relied on the main criminal law provisions of the National Mobilization Era Anti-Cigarette and Drug Act, and the Opioid Drug Management Act. In recent years, the major changes were in 1993 when anti-drug efforts were redesignated to the level of the Executive Yuan, the 1998 implementation of the Drug Prevention Act, the 2001 integration and merger of the Central Anti-Drug Reportage with the Executive Yuan Strengthening Social and Public Order Special Meeting, the 2005 effort to realize government and civil sector integrated forces to implement drug prevention policies, and establish a drug prevention reporting system, followed by the May 11, 2017 launch of the New Era in Anti-Drug Strategic Efforts, evincing that at every stage along the way, as the prosecutorial administration and supervisory entity, our Office has consistently fulfilled its pivotal role. The following are a summary of the roles and functions which our Office has placed in the government's drug enforcement strategies.

1. History of anti-drug enforcement by rule of law

(1) During the 1990s

Our nation's modern anti-drug enforcement system began with the May 12, 1993 announcement of the Executive Yuan of a "War on Drugs", and establishment of the "Executive Yuan Anti Cigarette and Drug Enforcement Plan Principles" can be said to be the start of our nationwide integrated effort to oppose drugs. On December 24, 1993, at the 47th meeting of the Executive Yuan Committee on Public Order, the Ministry of the Interior was tasked with responsibility to conduct the Anti Cigarette and Drug Supervisory Reportage endeavor, raising

1. Legislative Yuan, Journal and Gazette of the Legislative Yuan, 15th Congress, Sessions 1-5, May to July, 1955, pages 76-234.

the level of the effort to that of the Executive Yuan or cabinet level, and establishing the Central Anti-Drug Reportage system. The system was led by then Minister of State Wang, Chao-Ming, as Convener, along with the Minister of Justice, and respective Political Vice Ministers, deputy agency heads, secretary generals of city and county governments, and agency heads in localities as reporting entities, with the Ministry of Justice as the Executive Secretary, responsible to convene the meeting once every quarter, and tasked to plan the government's anti-drug policies ².

And in our national anti-drug enforcement efforts, our Office plays an imperative role, with responsibilities delegated pursuant to the Executive Yuan Anti-Cigarette and Drug Enforcement Plan Principles, and the decisions adopted at the National Anti-Narcotics Conference of June 3, 1994, our Office issued the Prosecutorial Organs Enhanced Interdiction of Cigarette and Drug Crime Guidelines³, adopted by Ministry of Justice Prosecutorial Directive 83 (1994)-MOJ-Pros.-No. 15476 issued on July 21, 1994, providing also that on July 1, 1994, our Office would establish the Drug Crimes Supervision Unit, as a dedicated entity responsibly to supervise drug interdiction liaison and cooperation, and aid all District Prosecutors' Offices in investigating narcotics cases, and holding quarterly Supervision Reportage meetings, through interagency tasking and participation, including not only our Office and branches⁴, and the 4 anti-drug entities⁵, but also the Council of Agriculture, Executive Yuan, Bureau of Military Law,

Ministry of National Defense, the Monetary Affairs Bureau, Ministry of Finance, and the Customs Administration, MOF, for joint participation with our Office in the spirit of mutual assistance and liaison, strengthening realization of our national anti-drug policies.

The Supervision Unit's primary responsibilities are: Supervision of interdiction squad work performance, coordinating contact and cooperation among investigative agencies, convening work reportage for anti-drug cases involving two or more District Prosecutors offices jurisdictions, researching, considering and dealing with social investigations of drug trafficking cases, discussing and answering



questions about work for each enforcement team while providing all necessary assistance, accepting complaints or public reports and voluntary surrender in drug cases, reviewing reports of local interdiction teams, collecting information on drug trafficking cases and providing as reference to interdiction teams, nominating for rewards personnel contributing to anti-drug efforts or penalizing those whose dereliction of duty, and anti-drug supervision.

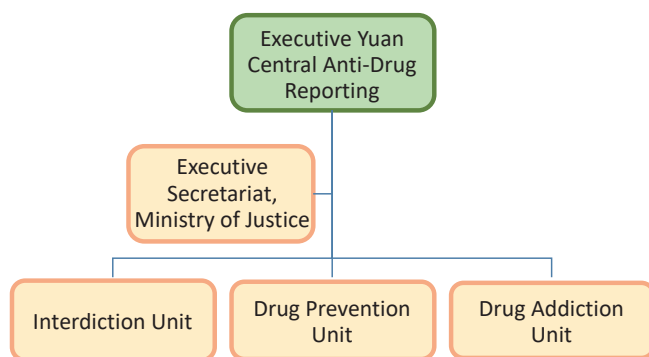
Besides the Drug Crimes Supervision Unit, Drug Interdiction Working Groups are deployed in all 19 District Prosecutors' Offices, working in conjunction with local police departments, the local Investigation Offices and resident agencies of the Ministry of Justice Investigation Bureau, the local Provost Marshal Office's of the Military Police, the 7th Special Police Corps, NPA, MOI, and all port police offices, Coast Guard Command's Battalions and Intelligence Squads, the local Tax Bureaus of the National Tax Bureau, Ministry of Finance, and the local Airport Police squads. There are quarterly meetings of the Status Reportage for drug enforcement case liaison, control, follow-up, and critical review of efficacy, with prosecutors commanding the work of drug enforcement entities, to ensure teamwork for integrated and enhanced drug enforcement activity efficacy, realizing efficient overall drug enforcement efforts.

(2) From 2001 to 2010

On January 31, 2001, by directive Taiwan 90 (2001) Justice Tzu. No. 001127, the Executive Yuan Anti-Drug Prevention Plan was renamed the Drug Prevention Plan. This effort also includes integrating the comprehensive anti-drug work of the nation, with the interagency Central Anti-Drug Reportage system and the Ministry of the Interior primary responsibility for the Executive Yuan Strengthening the Public Order Special Project Conference, which are similar in function and nature, so they were merged together, allowing for a complete structure within the

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2. The Anti-Drug Campaign official website. The URL is: <http://antidrug.moj.gov.tw/mp-2.html>, and was last visited on November 8, 2018.
 3. This was later amended to the Prosecutorial Organs Enhanced Drug Interdiction Implementation Guidelines, and reported to the Executive Yuan by directive Taiwan-88 (1999) MOJ No. 17288 of record.
 4. At the time there were only the Taichung Branch, Taiwan High Prosecutors Office, Tainan Branch, Taiwan High Prosecutors Office, Kaohsiung Branch, Taiwan High Prosecutors Office and Hualien Branch, Taiwan High Prosecutors Office participating.
 5. At the time there was the Criminal Investigation Police Office, NPA, MOI, 7th Special Police Corps, NPA, MOI, Ministry of Justice Investigation Bureau, Coast Guard Administration and the Military Police Command participating.

Executive Yuan, recognizing the importance of anti-drug activity in each agency of government. But with the merger of the Central Anti-Drug Reportage with the Executive Yuan Strengthening the Public Order Special Project Conference, this meant that anti-drug efforts were submerged into the Ministry of the Interior's responsibility for public order work items, and inability to focus exclusively on means of resolution or responsive policies, which led to each agency lacking sufficient inter-communication, liaison, and supervision, with resources lacking effective integration, impeding integrated anti-work delegation of authority and responsibility tasking, leading to inability to unite with the civil society forces in a joint effort for anti-drug work.



Levels of Anti-Drug Reportage

Until November 14, 2005, when the Executive Yuan issued Directive Taiwan Justice No. 0940034509 amending the Executive Yuan Drug Reportage Establishment Guidelines, creating an anti-drug reportage mechanism within the Executive Yuan, combining the forces of government and the public, to ensure implementation

of anti-drug policies, with the Minister of Justice and the Ministry of Justice heading the reportage mechanism, and our Office supervising all subordinate Prosecutors' Offices in their administrative operations, which also perform a very critical role.

(3) From 2011 to 2020

At the 7th Executive Yuan anti-drug reportage meeting on May 8, 2018, and the 8th anti-drug reportage meeting on June 8, 2012, the Chairman directed that the purpose of the drug prevention efforts was to reduce demand for drugs, and by homeostasis to reduce supply. And on June 6, 2013, the Executive Yuan issued directive EY-Taiwan-MOJ Tzu No. 1020136129, approving the Drug Interdiction and Prevention and Addiction Treatment United Action Plan

to get to the root issues of drug enforcement policy direction, enhancing efforts to interdict drug supplies, with practical implementation measures including creating the Nationwide Drug Database, interdiction of small and medium sized drug distributors, and nationwide concomitant campus-wide drug clearing projects, which were all planned and integrated by our Office. Then on June 15, 2015, by directive EY-Taiwan-MOJ- Tzu No. 1040135872, approval was granted for Everyone Drug-Free, Mobilization against drugs Plan, with drug enforcement focused on eliminating drug supplies, emphasizing interdiction of drug users, small sellers, medium, large and international distributors, high risk facilities, and termination of the Drug Interdiction and Prevention and Addiction Treatment United Action Plan. Our Office was tasked with the portfolio of responsibility for comprehensive interdiction of small and medium distributors; establishing drug user and small and medium sized drug distributor databases; following up to the drug sources, tracing large and international drug distributors; enhancing international and Cross-Straits drug enforcement mechanisms and creating strategic cooperation for anti-drug work, and similar important interdiction efforts. Our Office thus planned the following key interdiction efforts and focal points:

① Planning nationwide stern enforcement actions through the Nationwide Concomitant Drug Interdiction Special Action Plan.

A. Strengthening interdiction of hidden community-based and regional drug dealers and newly emerging drug cocktail sales networks

After the 20th Executive Yuan Drug Prevention Reportage meeting, to enhance interdiction focused on supply sources, our Office collaborated with the six major drug enforcement systems of the National Police Agency, MOI, Ministry of Justice Investigation Bureau, Coast Guard Administration, OAC, Military Police Command, MND, and the Customs Administration, MOF, for the Nationwide Solid Steel Stringent Drug Sweep action. The effort aimed to unearth hidden community-based and regional drug dealers and newly emerging drug cocktail sales networks, resulting in uncovering several drug factories and repackaging facilities, as well as beginning production of microfilms to educate the citizenry nationwide of the hazards of newly emerging drug cocktails. During 2016, there were a total of five deployments of Nationwide Solid Steel

Stringent Drug Sweep actions, resulting in arresting 9,208 drug suspects, 1,454 drug dealers (of which 92% were adults), and 7,279 drug pushers or runners; During the efforts, judicial police conducted searches of 4,234 sites, with prosecutors applying for pretrial detention warrants from courts for 419 defendants, and courts approving pretrial detention of 323 suspects. Also, there were community visits to 4,122 high risk persons and 2,199 high risk establishments, creating a social care network to prevent new involvement with drugs.

B. Special characteristics of these actions

Prior to any action, all entities are reminded of the new provisions of the Criminal Code effective as of July 1, 2016, governing asset forfeiture and seizure, to assiduously confiscate drug dealer criminal tools and illicit proceeds, ensuring forfeiture of all illegal property, to completely eliminate the possibility of future recidivism. As for vehicles interdicted, they can also be seized, and after completion of the appropriate procedures, they may be sold at public auction as by regulations provided to maintain optimal seizure value. For future investigative actions, we will also ensure that interdiction and depriving criminals of their ill-gotten gains and criminal property will remain essential steps.

② Establishing a drug-free network

Interdiction of persons remains the key focus, but for those already addicted, effective protection to guide them through detoxification ending addiction, and establishing a sound risk evaluation mechanism, remain necessary adjunct issues, as we emphasize a humanistic approach to preventive principles. By using the National Drug Database on July 19, 2016, for accepted cases and then closing the nationwide Prosecutors Offices networks, for the Taichung and Kaohsiung District Prosecutors Offices to first undertake an experiment in determining high risk target identification, analysis, and appropriate care action. Using the pre-existing Nationwide Drug Database, our Office considered long-term interpersonal networks among drug criminals while observing their cases for more in-depth analysis and understanding, thus making up for any lacking observation and supervision, while concomitantly analyzing their contacts through communication data, to better understand their day to day friends, and detect high-risk cases for recidivism as early as possible, then actively and accurately intervene with treatment to

enhance crime prevention efficacy. After performing the risk analysis, a set of multi-level cross-care and addiction measures to be adopted by judicial, police, education, social work, and drug control efforts are initiated to increase success rates for drug withdrawal, reduce recidivism and drug proliferation, and analyze potential impacts on drug dealers' s intelligence and networks, while taking advantage of leading trends to remove the source of interference at its roots.

2. New Era in Anti-Drug Strategic Efforts

On May 11, 2017, at the 3548th meeting of the Executive Yuan, then Premier Lin, Chuan, proposed the New Era in Anti-Drug Strategic Efforts, and announced plans for allotting a budget (from 2017 through 2020) of NT\$10,000,000,000 for anti-drug uses (whereas in the past the annual anti-drug budget had been only NT\$120,000,000.⁶) On July 21, 2017, the Executive Yuan adopted the Drug Free New Homeland, Anti-Drug



Former Premier Lin, Chuan, proposing the New Era in Anti-Drug Strategic Efforts/ Executive Yuan

Action Program and the New Era in Anti-Drug Strategic Efforts Initiative. Among them, the Drug Free New Homeland, Anti-Drug Action Program was a modified version of the Ministry of Justice's original Drug Free Starts with Me, Anti-Drug Mobilization Action Project, which preceded the New Era in Anti-Drug Strategic Efforts Initiative as a counter-narcotics strategy⁷. And our Office endeavored to realize New Era in Anti-Drug Strategic Efforts as our national drug enforcement policies by preparing the following pragmatic drug interdiction practices with efficacy as follows:

(1) Establishing regional unified drug enforcement and supervision mechanisms

Background for creation: taking into account many nationwide efforts over the years

6. Executive Yuan official website. The URL is: <https://www.ey.gov.tw/Page/448DE008087A1971/8e987944-33f2-4ff5-84fe-d426f0a8446b> , was last visited on November 29, 2018.


7. After a year and half of implementing the New Era in Anti-Drug Strategic Efforts Initiative, each agency was asked to critique input for streamlining operations, but the counter-narcotics strategy aspects remained the same.

for concomitant drug sweep operations, there were identified certain deficiencies requiring establishment of a supervisory mechanism.

- ① Nationwide concomitant anti-drug operations are of large scope, conducted in a very short period of time, with a substantial number of anti-drug units involved making it difficult to keep confidential, so there have been leaks in the past, allowing targets to evade or abscond, and yielding poor results.
- ② Across Taiwan the social and economic conditions vary, along with cultural factors and the geographical environment, which impede nationwide concomitant drug sweep actions, making achieving expected targets arduous, and generating unfair performance evaluations.
- ③ When all anti-drug units to cooperate in nationwide concomitant anti-drug operations, evidence gathering may be incomplete, or action would be taken while a case was not yet mature, resulting in interrupting efforts to trace sources upwards and causing poor performance in investigations.
- ④ Since anti-drug agencies are performance-oriented, there is some unwillingness to share information and resources, and it remains difficult to horizontally integrate resources.
- ⑤ These anti-narcotics agencies also have their own planned operations, which can mean multiple waves of concomitant crime sweeps in short periods of time, leaving participants exhausted, and gradually resulting in the operations becoming but a mere formality.

Thus, our Office continues to consider reforms as essential to improving the counter-narcotics framework, for which we issued the Taiwan High Prosecutors Office Establishment of Regional United Drug Enforcement Plan, which was duly noted by the Ministry of Justice on July 12, 2017, by Directive MOJ-Prosecutorial Tzu No. 10600115000, of record, and according to those plans, our Office established the counter-narcotics mechanism with the following unique characteristics:

① Supervisory framework



Regional United Drug Enforcement Office	Supervisory entity	District Prosecutors' Offices	Date began operations
Northern Regional United Drug Enforcement Office	Taiwan High Prosecutors Office	Team One: Taipei, Shilin, New Taipei Team Two: Yilan, Keelung Team Three: Taoyuan, Hsinchu	July 25, 2017
Taichung Central Regional United Drug Enforcement Office	Taichung Branch, Taiwan High Prosecutors Office	Taichung, Changhua, Nantou, Miaoli	July 31, 2017
Eastern Regional United Drug Enforcement Office	Hualien Branch, Taiwan High Prosecutors Office	Hualien, Taitung	August 1, 2017
Tainan Regional United Drug Enforcement Office	Tainan Branch, Taiwan High Prosecutors Office	Tainan, Chiayi, Yunlin	August 2, 2017
Kaohsiung Regional United Drug Enforcement Office	Kaohsiung Branch, Taiwan High Prosecutors Office	Kaohsiung, Ciatou, Pingtung, Penghu	August 9, 2017
Quemoy/Kinmen Regional United Drug Enforcement Office	Kinmen Branch, Fuchien High Prosecutors Office	Kinmen, Lienchiang	August 7, 2017

② Assiduously implementing national and regional joint drug interdiction operations

Our Office has also established the Regional United Drug Enforcement Plan Supervisory Office, to integrate and guide all Regional United Drug Enforcement Plan offices' operations. In July 2017, we held many integrated planning meetings, tasking Prosecutors' Offices to work with the anti-drug system. From July 10 through the end of August, acting on evidence for drug source from various anti-drug agencies, we undertook national and regional joint drug interdiction operations. These efforts resulted in interdicting 6,422 cases, including 421 cases with minors, and 36 cases involving the military; with a total of 8,315 drug suspects, among which 1,451 were suspected of involvement in selling drugs, transporting drugs, manufacturing

drugs, or drug distribution, totaling some 19.9%, and 5,312 drug users, totaling 73.0% of those interdicted. To enhance pressure and prevent drugs spreading to youth, those in the military, and remote villages, we planned thematic investigation actions.

③ Remote village and special district anti-drug actions

From August 29 to September 18, 2017, the Nationwide Regional United Drug Enforcement Plan Supervisorial Office, and Regional United Drug Enforcement Plan offices prepared a flexible, precision action combating drugs in remote villages and regional drug suppliers, in a total of 60 localities nationwide, and areas of drug distribution in a concerted anti-drug effort. We deployed instances totalling 12,092 judicial police, with 980 warrant applications (of which 740 were granted, for 769 sites to be searched), interdicting 4,433 drug suspects, and seeking pretrial detention of 102 suspects, with court approval for detaining 72 defendants.

④ Enhancing interdiction of drug use in the military and the spread of drugs

In February 2017, there was a major release of drugs at the Ching Chuan Air Force Base in Taichung, of unknown origins, shocking the entire nation, and garnering serious attention from the Ministry of National Defense which offered major rewards for information. Our Office directed the Taichung District Prosecutors Office to form a task force undertaking a comprehensive inventory of personnel, tasks, and locations, with periodically deploying Prosecutors and Prosecutor's Investigators for guidance and assistance, especially since public opinion thought the military had loopholes or cover-ups in drug prevention and control, so judicial authorities were needed to intervene and assist through following measures:

A. Establishing a liaison mechanism

- a. The Ministry of National Defense, prosecutors and judicial police organs established a searching, reporting and interdiction mechanism.
- b. This ensured ascertainment of military members involved in drugs, and providing drug crime intelligence to prosecutors and police.
- c. Military police squads would establish a reporting mechanism for all armed service academies and institutes in their jurisdiction.

- d. Jointly collaborate with nationwide and regional united interdiction efforts against drug pushers, and combat infiltration or provision of drugs for sale in the military by drug seller networks.
- e. Ensure full tracking of drug cases to their sources, ensuring the military academies and schools are clean.

B. Operational measures

- a. The Chief Prosecutor personally convened all Chief Prosecutors, the Head Prosecutor of the Anti-narcotics Division, and the Ministry of National Defense for a discussion on "preventing drug infiltration into the military" and "Military anti-drug issues" , with the nationwide Prosecutorial offices and military, judicial and police agencies conducting case-by-case tracking and integration in military personnel drug cases.
- b. From May 31 to June 2, 2017, the nationwide prosecutors offices and military, judicial and police agencies formally embarked on the first annual joint enhanced military drug tracking operation, declaring to closely track any network that supplies drugs to military personnel and to ensure a military safety net. From information seized at the time, addition was made to the Nationwide Drug Database, continuing to target supply sources and hazardous locations to conduct anti-drug operations at any time. This interdiction operation interdicted 801 drug suspects, of which 20 were military personnel (with 4 drug pushers, and 16 drug abusers).
- c. On August 30, 2017, the Ministry of National Defense, Ministry of Justice, Ministry of the Interior, Coast Guard Administration, OAC, formulated the "Military Personnel involved Drug Case Reporting Guidelines", for a complete notification mechanism and contact operations, to effectively and quickly detect drugs and prevent drugs from entering the military, jointly combating drug crimes, strictly enforcing military discipline, and maintaining our national military combat strength.



(2) Executive Yuan Public Recognition and Awards

The New Era in Anti-Drug Strategic Efforts Initiative completely reconsidered the nation's anti-narcotics strategy from the beginning, resulting in several large drug smuggling interdictions, so Executive Yuan Premier Lin, Chuan, engaged in the first public recognition and awards of their kind, to personally give recognition to colleagues among the prosecutorial entities and police, investigators, military members, the Coast Guard, and customs officers engaged in these successes⁸.

(3) Planning Anti-Drug Secure Community Projects

From 2016 to 2017, in accordance with the New Era in Anti-Drug Strategic Efforts Initiative, our Office integrated six anti-drug systems, planned and enforced anti-drug operations combined with prosecution, police, investigation, Coast Guard, military police, and customs agencies, for maritime and border interdiction efforts seizing major quantities of drugs and drug factories, and earning accolades from society. But the people do not share deep recognition for government efforts and determination in combating drugs, so there remains a stereotype that drugs are widespread in the nation. Especially with the larger the seizure of smuggled drugs, the domestic drug situation is thus more serious and rampant, and after neighbors repeatedly report

8. On May 28, 2017, the Kaohsiung Prosecutors Office directed the Coast Guard Administration in conjunction with the Ministry of Justice Investigation Bureau and National Police Agency, MOI, to interdict our nation's largest drug smuggling bust to date on May 26, yielding 1,800 bricks of heroine weighing 693 kg. Then Executive Yuan Premier Lin, Chuan, on the 28th visited the Kaohsiung Prosecutors Office and offered congratulations to the colleagues responsible for the interdiction.

On July 25, 2017, then Premier Lin, Chuan, gave recognition at the Executive Yuan to the successful participants in the New Era in Anti-Drug Strategic Efforts, including those from our Office and the Criminal Investigation Police Office, NPA, MOI, present for the event.

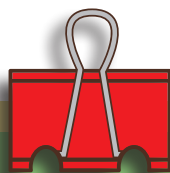
On August 8, 2017, then Executive Yuan Premier Lin, Chuan, visited the Taoyuan Prosecutors Office to attend the press conference for the Awards Ceremony Recognizing the Successful Participants in the Interdiction of 181kg of Ketamine, which acknowledged the success of our colleagues efforts to combat drugs, allowing the public to better appreciate progress in our current anti-drug work, and the resolve and determination of the judiciary, prosecutorial and investigative agencies in protecting our nation's public order, while also showing our colleagues their due acknowledgment from government and displaying our pride in their efforts.

Executive Yuan official website. The URL is: <https://www.ey.gov.tw/Page/ECE410333003326E?page=1&PS=60&T=1&S=20170501&ED=20171101> &K= , last visited on November 29, 2018.

drug abuse to the police, with no follow up or arrests made, or soon returning to the community and continuing to harm the neighborhood, which causes the public to feel indifferent about government anti-drug efforts, or even to be confused. As a result, our Office thoroughly considered and discussed the reasons involved, and recognized that anti-drug work must involve the community, so that the citizenry feel empowered and supportive, which is essential for government to achieve lasting success in anti-drug operations. This approach received approval from Executive Yuan Premier Lai, Ching-Te, on December 19, 2017, when he visited our Office's Investigation Resource Center and nationwide drug database to hear a report. Thus, our Office proposed the Secure Community Anti-Drug Project and its core values as listed below.



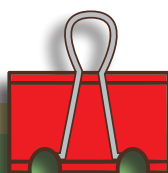
Campus and Safe Communities Interdiction and Major Drug Case Joint Press Conference/ 5th Wave of the Safe Communities Interdiction Plan



Safer Communities Drug Interdiction Effort	Date	Interdiction target
First wave	2018.01.29-02.05	Drug sources covertly hidden in condominium complexes and the community
Second wave	2018.06.25-08.31	Campuses Youth drug dealers Group use
Third wave	2019.03.05-03.19	Continuing from the two prior wave targets along with thematic interdiction strat
Fourth Wave	2019.07.22-08.05	First part: <ul style="list-style-type: none"> • Suppressing Amphetamine and Ketamine drugs • Interdicting drug smuggling cases Second part: continuing from the three preceding waves, emphasizing the report community-based drug dealer interdiction
Fifth wave	2020.07.15-07.29 2020.09.01-10.31	First phase: <ul style="list-style-type: none"> • Strong combating, and streamlined investigating • Eliminating domestic drug manufacturing sites • Nationwide public anti-drug network enhancement • Major drug case follow up to the sources • Trans-border drug source cessation Interdicting emerging new drugs <ul style="list-style-type: none"> • Follow up investigations on use of emerging drugs like PMMA resulting in ove • Investigating campus drug dealer sales Second phase: <ul style="list-style-type: none"> • Follow up tracing to the source, to achieve significant breakthroughs • This effort focused on targets conforming to the Comprehensive Investigation Cases Plan (including major drug cases, domestic manufacturing cases, and cas smuggling from abroad to Taiwan) to identify all sources

*The thematic drug interdiction strategy accords with the Safe Communities Interdiction Plan, and after every quarterly audit, a
investigations in one week to one month's duration. The second Safe Communities Interdiction action demanded increased inve
Communities Interdiction action responded to current overall drug trends, modified as needed to ensure the proper investigativ

**In accord with the standards governing major drug case volume as established by our Office: 1. Case involves pure Category
Category three or Category four narcotics of 100 kg or more.Also, if there are discovered chemical drug factories meeting the de
cases), and there is interdicted drug raw material, equipment and paraphernalia, or finished pure drugs with net weight in exces



	Results	Notes
ty	<ul style="list-style-type: none"> • drug Dealers/Pushers: 611 persons • Drugs: 4000 kg seized • Manufacturing sites: 11 locations 	<ul style="list-style-type: none"> • Established anti-drug reporting network • On November 19, 2018, the Pingtung District Prosecutors' Office interdicted a smuggling case discovering 1,240 heroin packages (total weight of about 470 kg, with a market value of NT\$6,000,000,000). The investigation proceeded to track the suspects involved at the higher levels leading to interdiction of 10 suspects. The officers responsible for the interdiction were publicly recognized by the Executive Yuan.
	<ul style="list-style-type: none"> • drug Dealers/Pushers: 1482 persons • Dealers targeting youth: 160 persons • Drugs: 5731 kg seized • Manufacturing sites: 11 locations • Illicit criminal proceeds over NT\$10,000,000 	
strategies	<ul style="list-style-type: none"> • drug Dealers/Pushers: 1126 persons • Dealers targeting youth: 80 persons • Drugs: 6315 kg seized • Manufacturing sites: 19 locations • Illicit criminal proceeds over NT\$110,340,000 	
reporting network and	<ul style="list-style-type: none"> • Dealers/Pushers: 444 persons • Drugs: 2571 kg seized • Manufacturing sites: 13 locations • Illicit criminal proceeds over nt\$10,000,000 	
overdose fatalities tion of Major Drug d cases involving	<ul style="list-style-type: none"> • Drug dealers/pushers: 3922 persons (if including the 2020 campus actions and major cases, then the total is 6330 persons) • Drugs: 1476.42 kg seized (if including the 2020 campus actions and major cases then the total is 8850.30 kg) • Manufacturing sites: 37 locations (if including the 2020 campus actions and major cases then the total is 92 locations) • Illicit criminal proceeds NT\$49,831,859 (if including the 2020 campus actions and major cases then the total is NT\$65,935,949) 	

lit, a determination of areas in special need for enhanced enforcement are determined, for introduction of the guided
 d investigations of campus drugs and underage drug pushers, in response to then current drug trends. Thus, the third Safe
 igative directions and themes.

egory one narcotics of 10 kg or more. 2. Case involves pure Category two narcotics of 50 kg or more. 3. Case involves pure
 he definitions of the Drug Prevention Penalty and Award Act provisions (excluding marijuana crops and chemical cocktail factory
 excess of 10 grams.

(4) Comprehensive Auditing for Major Drug Cases

In accordance with the Office of the President directive of June 29, 2018, for the Anti-Drug Plan meeting, and the Ministry of Justice directive of July 2, 2018, for the liaison meeting for auditing major drug cases, it was determined to audit all major drug cases for the previous decade as to any improper involvement by gangs, and our Office issued the Comprehensive Auditing for Major Drug Cases Plan to the Ministry of Justice, of record.

Our Office coordinates the six major anti-drug systems in conducting auditing of major drug cases investigated by prosecutors over the past decade (including final verdicts or those still on trial) as well as those currently under investigation searching for evidence. Auditing considers the historical trajectory of drug cases, for more refined and effective specific investigations tracing and tracking possible criminal combinations (cartels), international smuggling channels, core leaders and persons behind the sources, to fully trace major drug cases back to the source, and completely destroy domestic drug cartels while securing to the citizenry safe communities in which to live. Our Office initiates investigations which are tasked to the regional joint drug prevention and anti-narcotics offices for integrated control. Every 2 months, the joint offices convene prosecutorial, police, investigation, Coast Guard for reviewing investigation status on a case-by-case basis, and performing its' coordinating supervision function. Also, our Office's Executive Yuan Drug Control Reportage Committee's Anti-Drug Cooperation Group convenes once every three months to ascertain auditing status and performance reports of responsible units, and submits them to the superior authorities for consideration.

(5) Moving toward international drug interdiction cooperation

Our Office integrates the drug interdiction efforts of the six drug combating systems, which has effectively put pressure from all directions and dimensions on domestic drug crime. But transnational drug smuggling has become rampant in recent years, and in accord with our Office's analysis, drug manufacturing and transport locations and routes have undergone change. The former Southeast Asian Golden Triangle is now responsible for producing amphetamines and ketamine, and exporting finished products by land across northern Myanmar to Laos and central Vietnam, then north to Halong Bay or Haiphong, where fishing vessels

transport them abroad. Or the drugs may be taken through smuggling routes across northern Thailand, to Cambodia and Ho Chi Minh City's Ports of Cat Lai or Vung Tau, then shipped abroad by fishing vessel. Or the drugs may be taken through northern Myanmar to Thailand then Cambodia, then transferred to the Port of Sihanoukville or the Port or Kampot, where fishing vessels ship them abroad for smuggling throughout Southeast Asian nations. These massive amounts of widely distributed transnational drug smuggling require international cooperation for successful interdiction.

Hence, our Office has established international interdiction cooperation through a Southeast Asia Anti-Drug network, marking the first time our prosecutors have traveled abroad to participate in a direct dialogue with overseas drug enforcement partners. In March 2019, we dispatched prosecutors to the Philippines, and in May of that year to Vietnam and Thailand, while in August of the same year, our Office's Chief Prosecutor Wang, Tien-Sheng, led a delegation to Australia, for direct discussions with judicial entities and front line drug enforcers to study and exchange transnational drug intelligence, current directions, and possible responsive strategies. Besides formal mutual judicial assistance, both sides exchanged about joint investigations and actual evidence in drug enforcement cooperation, to establish multi-dimensional close contact channels, and appoint prosecutors as direct points of contact, ensuring proper due process of law in procedures and protecting evidence.

Also, between mid-October and mid-November, 2019, our Office respectively invited judicial entities and frontline drug enforcement personnel from Vietnam, the Philippines, Thailand and Palau to visit Taiwan, while conducting 4 closed meeting bilateral talks. Through these private closed door meetings, participants engaged in unfettered dialogue and frank discussions on the status of transnational drug crime, allowing



Then Chief Prosecutor Wang, Tien-Sheng, leading a delegation to visit the Queensland Office of the Director of Public Prosecutions

establishment of direct intelligence communication channels, and affording both sides present to share their vision for incrementally realizing the Asia-Pacific Anti-Drug Network through effective and streamlined combating of transnational drug crime.

3. Our Office inaugurates a new era in technology based drug enforcement

(1) The Nationwide Drug Database

As early as 2012, the Ministry of Justice proposed an initiative for every District Prosecutors' Office to establish a Drug Database, with procurement of computer equipment for use in every Prosecutors' Office, but because most of the Prosecutors' Offices had drug cases in their own geographic jurisdiction, it was difficult to establish a common file architecture for integrated data analysis. Only the Taichung District Prosecutors' Office established an Investigative Data Analysis Section, applying Visualization analysis systems to their drug database to render the information visually, allowing for analysis of telephonic communication records, cell phone numbers, and means of transportation, in relation to possible suspects. In terms of promoting the Drug Database and drug interdiction strategies targeting small and medium sized dealers, the system exercised critical importance in drug enforcement cases.

On June 3, 2015, then Executive Yuan Premier Mao, Chih-Kuo, visited the system and expressed the hope it would be streamlined, so he tasked the Ministry of Justice to expand it to other Prosecutors' Offices, allowing for a nationwide system with integrated applications, serving as the cradle for our Office's creation of the Nationwide Drug Database.

On October 7, 2015, former Minister of Justice Lo, Ying-Hsueh, convened a meeting to consider how to use the database and technological means of investigation in drug enforcement, approving our Office as the core to create the Nationwide Drug Database and provide guidance to all District Prosecutors' Offices to assist (coordinate) trans-regional integrated data analysis. Our Office detailed information technology specialist Prosecutor's Investigators to our Office's Investigation Data Center at No. 143, Yanping So. Rd. in the Second Judicial Office Building, (now moved to the Bo Yi Building Third Judicial Office Building) to join in creating the Nationwide Drug Database. (see the contents for investigative technologies for more information)



Complete auditing of major drug cases Implementation Plan/
Executive Yuan

(2) Criminal Investigation AI Platform

In 2020, the Taiwan High Prosecutors Office in response to technological advances planned to expand information analysis and searching functions, by transforming the functionality of data warehouses with value-added applications in a Criminal Investigation AI Platform, providing prosecutorial entities with a more efficient tool to undertake

investigative practices, including the following:

① Establishing a Single-sign-on mechanism

To resolve prosecutors difficulties with having to repeatedly login to different systems and enter passwords, in conjunction with Ministry of Justice Single-sign-on (SSO) services, users can directly login to the Ministry of Justice SSO account, and select the Taiwan High Prosecutors Office SSO interface page, then use the modules and functions available from the Taiwan High Prosecutors' Office. For example: drug population relational analysis functions, phone call relationship analysis functions, major drug case analysis and searching functions, GIS map functions, fraud racketeering organization relationship analysis functions, import and export manifests' analysis functions, and data maintenance. This provides a convenient means of access for prosecutors to simply login to one Ministry of Justice account and password, to obtain all their searching, data analysis functions, and complete AI platform (Criminal Investigation AI Platform) through one Single-sign-on (SSO) access, ensuring convenience for prosecutors' use in casework.

② Creating architecture for Investigative Big Data Warehousing and Cloud Analytics

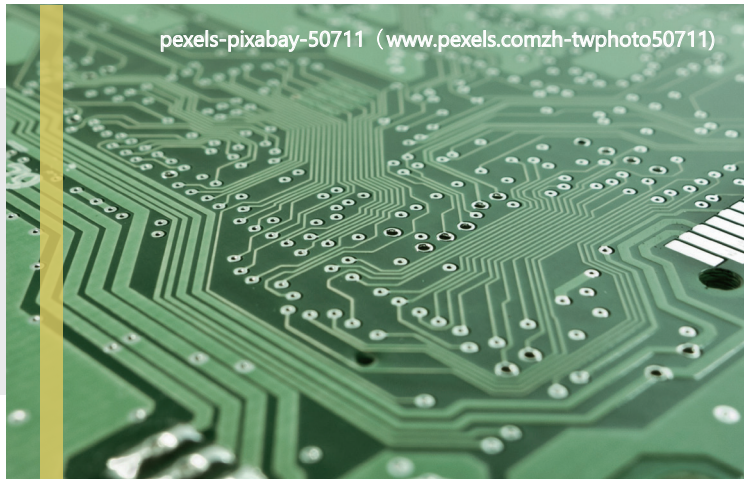
A. Continuing expansion of all prosecutorial entities database interfaces

Phased incremental expansion continues to extend our Office's Integrated Database (including phone contact records, traveler entry and exit records, detainees and Ministry of Justice criminal case system data), with the Nationwide Anti-Telecommunications Fraud Database and the Nationwide Drug Database (relational database portion). The aforesaid database contents are integrated into the 2020 Internet Data Management and Analysis Platform data warehouse, providing for searching and analysis uses via Technology Big Data Visualizations Analytics. It is expected the system will allow for data transmission for complete police referrals, Coast Guard, Customs, Agency of Corrections, and Ministry of Justice Investigation Bureau (MJIB), reducing manpower needed and data entry overhead.

B. New Value-Added Analysis Applications Data Types

- a. Major Drug Crimes Data Architecture: In accord with our Office's Comprehensive Auditing of Major Drug Crime Case Implementation Plan, all collated information on major drug cases, including factories and trans-border drugs type crimes, shall be digitalized in the system, with files for individual racketeering organization members. These include creating cumulative data files for those with roles such as drug cooks, funders, camouflaged or body packing, and mules, thus elucidating major crime case types and critical characteristics, then allowing for value-added analysis to elicit their crime modalities.
- b. Activating digital evidence collection data: Our Office is highly committed to promoting technological investigations and supporting prosecutors nationwide in conducting digital evidence collection on mobile devices, and these efforts have attained visible results. But much evidence collected in drug cases is only be used to prove a suspect's criminal acts, with no other uses made. So for the future, we are cooperating in constructing big data cloud storage, uploading evidence collected by Prosecutors' Offices in drug cases nationwide, cooperating in functional multi-device cross-analysis to quickly interrogate and elucidate criminal networks from individual members to groups, and try to solve dilemmas in crime investigation from current emerging communications and the internet.

- C. Expanded value-added analysis functionality: Beginning in 2020, multiple databases will deploy a functional orientation, with original analyses functionality added to the applications, as well as adding effective analysis functions required by prosecutors.
- a. Expanding suspect flow and communication flow tracing related function: We will continue suspect-centered analysis, by storing drug site addresses, cases, vehicles, relatives, residential addresses, and additional information relating to suspects. In addition, the communication context can be traced out with information such as the contact history of the mobile phone number, mobile Internet history, roaming history, etc., and the base station information can be supplemented with the GIS geographic map data trajectory comparison function.
 - b. Cash flows tracing analysis functions: For enhancing financial flow tracing analysis functions, prosecutors can import fixed-format electronic files provided from financial institutions into the financial flows analysis platform, to screen for suspicious accounts, conduct analyses and organize account details. Investigative data may concomitantly be used to identify the source and destination of funds, tracing fund flows diagrams required for final analytical products, and print complete fund tracking verification.
 - c. GIS geographic map data track comparison functions: From 2018, the "Nationwide Drug Database GIS System" was successively incrementally developed and updated, and this year, there will be added multi-person trajectory comparison, allowing querying not only of the drug population. It will also integrate traditional phone records, IP communication files and IMEI codes, along with suspect's smartphone geographical latitude and longitude in standby roaming mode, and determine suspect's actual geographic location, which are expected to be completed in December. Real-time positioning by smartphone roaming records are also planned as a mid-term goal.
 - d. Cross-comparison functional digital evidence collection: At present, digital evidence collected by each prosecutor's office, is stored in conjunction with further integration and applications for big data cloud storage, providing systematic cross-check comparison, allowing elucidation of whether a suspect's phones have been used in the same or multiple cases to be cross-checked and analyzed.



(3) Construction of the Digital Evidence Center

As to our Office's establishment of the "Digital Evidence Center", readers are referred to the sections on technological investigation.

4. Drug control performance rewards and punishments

Besides the Republic of China Criminal Code, legal bases for drug control performance rewards and punishments are governed by the "Narcotics Elimination Act During the Period of Suppressing Communist Rebellion" issued by the President on June 3, 1955, the name of which has been revised many times, and after terminating martial law the name was amended to the "Narcotics Elimination Act". Additionally, for narcotics efforts, rewards are governed by the "Narcotics Control Act" and its implementation rules. And also governed by the "Narcotics Elimination Act During the Period of Suppressing Communist Rebellion" which have been amended many times, including on July 27, 1992, by Presidential directive (81) Huazong (1) Directive Presidential Order (Section 1) Yi Tzu No. 3642 which amended and promulgated the "Narcotics Elimination Act". These were in force until May 20, 1998, when Presidential directive (87) Hua Zong (1) Directive Presidential Order (Section 1) Yi Tzu No. 8700099860 amended the published name and full text of all 36 Articles of the "Drug Hazard Prevention and Control Regulations", among which the anti-drug performance reward and punishment measures were also based on the "Rewards and Punishments Measures for Drug Inspections" issued pursuant to Executive Yuan directive (44) Taiwan Law No. 6646 on November 19, 1955, as a basis for anti-drug policy. Following amendment of the parent law, on November 3, 1999, the "Regulations on the Rewards and Punishments of Preventing the Hazards of Drugs" were

amended and promulgated in accordance with Article 32 of the Drug Hazard Prevention and Control Regulations, after initial review and approval by the Ministry of the Interior. Then on July 26, 2005, the Executive Yuan issued directive EY- Taiwan Law Tzu. No. 0940024205 to authorize bonuses for reporting or investigating drug cases, which from January 1, 2006, fell under the portfolio of the Ministry of Justice. But, when on March 10, 2006, the Executive Yuan began issue the aforesaid reward and punishment measures, according to Article 17 thereof, our Office formed the "Reporting and seized drugs' Bonus Review Panel" to review and approve bonuses to this present.

5. National Anti-Drug Strategy Observers

Our Office contains much high-tech equipment and big data databases, along with statisticians, conducting periodic analysis of national drug situation, from different aspects, including changing supply and demand, respectively presenting data and analysis on interactive effects of drug users, new-users and other derivative crimes, along with analytical reports and warnings issued quarterly, half-yearly and annually. Currently, the warnings about marijuana, increasing drug use by foreigners, and online purchases of health products with trace drug ingredients from abroad, have all been forecast in advance after applying big data analytics. This enables realistic elucidation on the domestic drug situation, allowing decision-makers a true understanding of the current status, so they can plan or appropriately adjust national anti-drug policy.

6. Overall performance recognition

During President Tsai Ing-wen's speech at the National Day celebration on October 10, 2018, Dr. Tsai specifically mentioned how the two waves of national "Secure Community Anti-Drug Program" planned by our Office in 2018 formed an indispensable link in a sound social order system. The President said: "In February and June of this year, the two waves of the "Secure Community Anti-Drug Program" netted drug seizures of 9,700 kilograms at all levels, and interdiction of 1,900 drug manufacturers, drug dealers and drug pushers. Government has also invested NT\$10 billion over four years to implement the "New Century Anti-Drug Strategy" to uproot drug networks from society.

Additionally, on June 26, 2019, the National Library held the "2019 Anti-Drug Contributors' Excellence Awards for Individuals, Groups and Drug Hazard Prevention Center" to commend anti-drug efforts by individuals and groups, along with excellent county and city drug hazard prevention and control centers. President Tsai also appeared and presented the awards, noting: Three years ago, I declared in this same location that drug control remains our government's top priority, and over these last three years, through concerted efforts of all anti-drug partners, we have turned in stellar results for the citizenry. Firstly, first-time drug offenders have declined at all levels: in the first quarter of this year they decreased by 6.4% compared with the same period last year. Secondly, there has been rapid decline in mortalities from emerging drugs. In 2018, there were 45 deaths due from emerging drugs, or a decrease of 55% from 100 fatalities in 2017. Also, the Drug Control Fund was officially launched on January 1, 2019, hailing a milestone in drug control. Ultimately, we aspire for government and the private sector working together to create a healthy and safe environment. Government will also provide tremendous administrative support, so the six major anti-drug investigation systems will continue integration for combating drugs, and helping drug addicts with assistance in ridding drug addiction and returning to society.

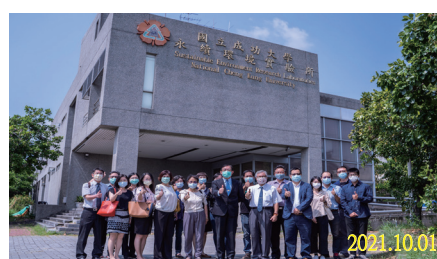


7. Concomitant destruction of semi-finished drugs, precursor raw materials and chemicals

In recent years, the Taiwan High Prosecutor's Office are integrating six major anti-drug systems to forcefully crackdown on drug cases, resulting in overall drug seizures hitting record highs, but the storage and destruction of drug semi-finished products, precursor raw materials and chemicals have long plagued the various anti-drug systems. In January 2021, the Taiwan High Prosecutor's Office negotiated with the Environmental Protection Agency and Ministry of Education to cooperate through administrative assistance under the Administrative Procedure Law, with the High Prosecutors' Office uniformly planning disposition of materials seized by District Prosecutors' Offices and drug investigation agencies. We anticipate by the end of 2021 to conduct a concomitant destruction of all semi-finished drugs, precursor raw materials and chemicals (approximately 230 metric tons) seized during 2020. This year we anticipate approximately 132 metric tons seized or expected to be, with some 8 metric tons in the first batch of drug seizures destroyed on May 17, 2021. The first wave of seizures totalling 82 metric tons was planned for destruction in mid-September 2021. And the second wave expects to complete destruction of about 50 metric tons before the end of December 2021. We expect the difficulty of storing such large amounts of seized drugs and destroying them can thus be concomitantly solved in a fast and efficient manner.

The first wave of drug semi-finished products, precursor raw materials and chemicals contracted to the NCKU Environmental Resources Center for destruction

No.	Date of destruction	Performed under authority of	Amount destroyed (kgs)
1	May 17, 2021	Yunlin District Prosecutors Office	12,100
2	July 17, 2021	Taipei Drug Interdiction Center (New Taipei District Prosecutors Office)	7,425
3	July 26 , 2021	Tainan District Prosecutors Office	1,705
		Tainan Investigation Field Office (Taoyuan District Prosecutors Office)	55
total			21,285



Drug destruction at the National Cheng Kung University (Annan Campus) Environmental Resources Research and Management Center

8. Drug Origin-tracking and Root-Removing Operations

Drugs endanger the nation's health, causing social order problems, posing severe challenges to overall national development, and forcing us to face the current proliferation of new types of drugs, declining age of drug addicts, and the intrusion of drugs onto campuses. President Tsai once stated at the "National Anti-Drug Conference": "As long as I remain President, even for one day, drug control shall remain this government's top priority." President Tsai declared her determination to mobilize against drugs and urge government to adopt a totally new approach. On May 11, 2017, the 3548th meeting of the Executive Yuan proposed five major aspects "of drug prevention, refusing drugs, drug interdiction, drug rehabilitation, and legal amendments," for the "New Era in Anti-Drug Strategic Efforts". The plan calls for adjusting past anti-drug thinking focusing on "quantities", to instead aim for a "people-centric" approach in the hunt for drug sources, and retain "quantity" as a goal to eliminate the existence of drugs. The effort also launches "Origin-tracking and Root-Removing Operations" and the "Safe Communities Anti-Drug Plan", deploying strong and continuous sweeps within certain areas, to trace drug sources up layer by layer, and block all sources to create Taiwan as a new drug-free homeland.

Significant drug tracing cases from 2000

No.	Date	Prosecutors' Office	Type of drug	Factual circumstances
1	April 2020	Pingtung District Prosecutors office	Heroin Amphetamine	After searching for evidence of amphetamines over eight months, the Man Shengtsai fishing vessel # 86 was identified as transporting drugs off the coast of Taiwan, with 27 bags of heroin were detained at a gross weight of 384.5 kilograms, and 30 bags of amphetamines seized with a gross weight of about 610 kilograms. After continuous close investigations, the drug sources were traced upwards through four levels with interdiction of the vessel captain and crew of the drug transporter, the middlemen arranging fishing vessel transport, the source of the drugs supplied, and the main suspect of the group Huang Tachang. This disrupted the largest drug supply channel between Taiwan and the Golden Triangle, and the seized ships will be forfeited during the investigation.
2	End of May, 2020	Kaohsiung District Prosecutors Office	Ketamine	29 bags containing 88 kilograms of ketamine were seized inside shipping containers of traditional religious joss paper imported from Vietnam. The investigation found that Mr. Yang was convinced by a drug cartel to form a trading company and transport drugs into Taiwan, and investigation of upstream drug cartel members was continuously expanded.
3	End of July 2020	Ciaotou District Prosecutors Office	Marijuana	The suspect named Wu was suspected of trafficking in marijuana, so investigators intensively pursued the upstream for 4 days and traced the source to five consecutive levels, successively interdicting suspects Hong Chung (second layer), Chen Feng (third layer), Lu Ting (fourth layer), and Liu (fifth layer). And at the factory in Luku Township, Nantou County, a total of 787 live cannabis plants, finished and semi-finished cannabis, and drug manufacturing paraphernalia were confiscated. After Liu' s arrest in the case, a further 574 cannabis plants were seized, for a total of 1,361 cannabis plants, which was the largest number of cannabis plants then confiscated to date.
4	June 2020	Chiayi District Prosecutors Office	Coffee bags	This case uncovered a drug coffee bag manufacturing and packaging factory, seizing 110 boxes of drug coffee bags containing Meow Meow-Mephedrone, and Ermin drugs in a total of 110,000 packets, along with raw material of about 8 kg, and paraphernalia including filling machines, sealing machines, grinders, electronic scales, filling plates, and 12 boxes of strawberry flavor fruit powder. After tracing to the sources of the drugs, one after another, the drug-trafficking coffee bag group was ferreted out.



III. Technological Investigation

(I) Establishing a Drug Database

Taiwan's population exceeded 20 million in 1989 and 23 million in 2008, but the crime rate also rose. With the rising development of science and technology, diverse criminal modalities are appearing, so efficacious use of technological management and investigation are essential for prosecutorial entities attaining major breakthroughs. By use of the database, one can not only create meaningful files on the criminal population, but also deploy searching and analytical systems to transform data into important guides for directing investigations. The drug case database analysis system is an important tool in current investigations, and represents an important milestone in the technological investigation of Taiwan's prosecutorial entities.

1. 1994 establishment of the " Drug Interdiction Agencies' Shared Computer Intelligence Network"

(1) In accordance with the Executive Yuan directive of May 11, 1994 on "Studying Feasibility and Necessity for Establishment of a Drug Interdiction Agencies' Shared Computer Intelligence Network", the Ministry of Justice was tasked to provide the MOJ Investigation with criminal

record information for tobacco and drug crimes, and the Ministry of Justice Investigation Bureau was responsible to sort and classify the data, then forward it to the relevant agencies (units) responsible for anti-drug efforts including the Customs Administration, Ministry of Finance, or the National Immigration Agency, Ministry of the Interior.

- (2) The Ministry of Justice Information Center provided 510,000 criminal records for tobacco and drug crimes to the MOJ Investigation Bureau to import into the "Nationwide Tobacco and Drug Criminal Records' Database."
- (3) On November 21, 1994, the MOJ Investigation Bureau convened the National Police Agency, Ministry of the Interior, the Entry and Exit Administration (now renamed the National Immigration Agency, Ministry of the Interior), the Military Police Gendarmerie Command, Ministry of National Defense (now renamed the Gendarmerie Command, Ministry of National Defense), the Coast Guard (now renamed the Coast Guard, Ocean Affairs Council), the Customs Bureau, Ministry of Finance, (now renamed the Customs Administration, Ministry of Finance), and drug investigation agencies, to meet and consider plans for tobacco and drug criminal record data exchange.
- (4) Following the meeting's decisions on data exchange formats and procedures, the Information Center, Ministry of Justice regularly provided criminal records for tobacco and drug crimes to the Investigation Bureau, MOJ, for sorting by the Investigation Bureau then distribution to all the various drug investigation agencies.

2. In February 1995, the architecture for the "Suspected Drug Cases' Operating System for Creating Basic Information Files" was established.

- (1) Basis for the database system architecture

At the "1994 Nationwide Anti-Drug Conference" the conclusions of the anti-narcotics sub-group of ideas for improvement included: establishing an anti-drugs database, enriching anti-drugs software and hardware functionalities, and tasking police, gendarmerie, customs, Coast Guard, investigation and anti-drug agencies to provide their criminal records and criminal history information regarding manufacture, transportation, trafficking, drug use and international drug

trafficking and transportation data, to help create specialized computer files, and combine existing clues, allowing for cross-comparison, holistic research and determinations, along with actively tracing smuggling pipelines, manufacturing plants and drug shipment storehouses.

(2) Operational procedures

- ① The plan called for providing "Reporting Forms for Transfer of Drug Case Suspects' Basic Information" and "Reporting Forms for Transfer of Drug Case Suspects' Information for Unknown Names and Ages", and instruct all anti-drug enforcement teams to comply therewith.
- ② When judicial police are investigating drug cases and discover suspects requiring continuing investigation, detailed reporting on the transfer form should be completed, together with the relevant criminal case transfer report and investigation transcripts, then sent to the anti-narcotics enforcement team to create a file for administration or case tracking.
- ③ In February 1995, the Information Center, Ministry of Justice finished design of the "Suspected Drug Cases' Operating System for Creating Basic Information Files".
- ④ Considering the large number of data fields required in the "Reporting Forms for Transfer of Drug Case Suspects' Basic Information" and the significant number of drug cases, computer files among the specialized personnel in anti-drug enforcement teams in Prosecutors' Offices were under heavy work burdens, so after 3 to 4 years implementation, judicial police agencies transfer of requisite reporting forms diminished, causing incomplete information and impeding efficacy, and the system was suspended.

3. In January 2005, we created an electronic database for drug production blacklist items

The Ministry of Justice researched and prepared the "New Anti-drug Strategy" project report, drafting a policy statement in the "Interdict Drug Addict War Plan" to "list (or create an electronic database) for monitoring drug production blacklist items/entities to prevent recidivist production of drugs". From January 2005, the three investigative units of the Coast Guard, National Police Agency, MOI, and the Ministry of Justice Investigation Bureau, reported updates to the "List of Interdicted Drug Offenders" for submission to our Office's Drug Crimes Supervision Unit

for creation of the drug production blacklisted entities/items list, and as of the end of 2006, over two years some 196 cases had been added, following which the electronic database was provided to investigation units for use. After reporting to the Anti-drug Supervisory Committee for study and consideration, our Office's compilation was ceased.

4. Taiwan Taichung District Prosecutors' Office anti-drug database

Since 2008, the Taichung District Prosecutors' Office had been considering systematizing the drug data utilization database, and successively completed the database and I2 Visualization analysis software. In 2009, under the direction of Chief Prosecutor, our "Investigation Data Center" was established. The "Investigation Data Analysis Team" was composed of Prosecutor's Investigators and clerks to delineate the architecture for varied crime types' database, and deployed Visualization analysis system to present data in images for easy use by anti-drug entities of jurisdiction. The data image database used the aforesaid software to analyze communication records, smartphone numbers, vehicles and data, to link to suspects, then prosecutors would develop investigation plans and direct judicial police in handling the case.

But most of the current data in the database is from past information, hence, we aspire to see the database expand to broader-based more real-time information, with the latest, most actionable intelligence in the database to help detect crime more efficiently. Thus, we combined diverse communication efforts of our Head Prosecutor, prosecutors, Prosecutor's Investigators, the IT Office, and the Guardian's Office. We then proactively contacted law enforcement agencies including the Taichung Police Department, National Police Agency Criminal Police Department, MOI, the Central Patrol, Executive Yuan Coast Guard, and the Ministry of Justice Investigation Bureau, tasking judicial police to request communication monitoring data for underway drug investigations, providing information on upstream and downstream drug channels elucidated by Prosecutor's Offices, and deploy the data into the anti-drug database. For further expanding breadth of the database, we tasked Prosecutors' Offices for data on drug population under protection for inclusion in the anti-drug database, ensuring the Prosecutors' Office anti-drug database reaches the most current, widest, and deepest levels. And allowing investigators to achieve their highest performance when using the cross-unit integrated anti-drug database.

In 2007, the number of new cases in Taichung was 48,812. By 2010, the number of new cases at the District Prosecutors' Office for the entire year was 43,300, for a decrease of 5,512. Compared with the number of criminal cases nationwide from 2007 to 2010, the number increased by nearly 2%, but the Taichung District Prosecutors' Office effectively suppressed criminal case growth by 11.3% against the nationwide trend. This reveals the key role played by creating the drug database and implementation of small and medium-sized anti-drug strategies.

This effort deploys a scientific method of analyzing drug population networks in the jurisdiction and establishing regional images to quickly detect drug trafficking hotspots, efficaciously grasping high-risk drug populations to implement protective supervision, and then constructing an anti-drug protection network in Taichung. The system collects drug dealers' or drug users' contact records, and imports these contact records into I2 Visualization analysis software to analyze the sources of drugs they obtain, and then plans for crackdowns against drug cartel business models, empowering local prosecutors to follow successful examples and establish their databases with its' own characteristics.

5. Taiwan Taipei District Prosecutors Office created the "Smart Cloud Intelligence Analysis System for Drug Databases"

The Taipei District Prosecutors' Office mobilized three task forces to deploy anti-drug, interdict computer crime and organized crime efforts to develop a "Smart Cloud Intelligence Analysis System for Drug Databases", exploiting established databases carrying background information on drug crime suspects through data exploration function. After accumulating more data, exploration and analysis can export created graphics, with hyperbolic radial tree branches, elucidating upstream and downstream drug crime chains ensuring they cannot be hidden from view. According to Executive Yuan directive, the Ministry of Justice formulated the "Drug Prevention, Anti-drug, Drug interdiction and Addiction Rehabilitation Action Plan", tasking all District Prosecutors' offices to establish anti-drug enforcement teams and compile intelligence on drug dealers and drug users from various judicial and law enforcement agencies, and the drug database of the District Prosecutor's Offices was completed at the end of June 2013.

6. Construction of the Nationwide Drug Database

On October 7, 2015, the Minister of Justice directed creation of a Nationwide Drug Database with our Office department at the core, to supervise local prosecutors' offices, assist (coordinate) cross-regional data integration and analysis, and periodically and as needed, to consolidate and synchronize them for large area investigations and raids. After May 20, 2016, our Office analyzed the drug situation and proposed to deploy an anti-drug strategy using searching for "quantity" as a sword and catching "suspects" as a net. Creating the Nationwide Drug Database included the following important tasks:

Sept. 2-Oct. 6, 2015	Database plan and pre-work study and planning for construction
Dec. 8, 2015	Planning team formally deploys on-site
Dec. 29, 2015	Preparatory group first plenary meeting
April 11, 2016	Preparatory group second plenary meeting
August 5, 2016	Preparatory group third plenary meeting
Nov. 15, 2016	Intermediate acceptance process for Ministry of Justice data project
December 16, 2016	Justice Minister Chiu Tai-San and officials at all levels visit unveiling of the Investigation Data Center
January 1, 2017	Created the Prosecutor's Investigator Room, Drug Information Working Group, and Cross-Border Fraud Telecommunications Database Working Group
May 11, 2017	The Executive Yuan "New Era in Anti-Drug Strategic Efforts"



Premier Lai, Ching-Te visited the National Drug Database

(II) Digital forensics

As technologies advance, drugs and various crimes involving smartphones and information equipment become more prevalent, which can result in bottlenecks in investigation. Moreover, the digital evidence collected by each District Prosecutors Office must be handed over to other agencies for processing. When such processes take too long to complete, investigation timing often suffers. Therefore, Taiwan High Prosecutors Office ("THPO") has focused on the central procurement of digital evidence collection and digital forensic equipment, evidence collection software, digital data erasing software and hardware, and high-end computers for use by the THPO and each District Prosecutors Office.

In addition, the National Drug Database built by the THPO has compiled the data of drug and probation cases from 22 District Prosecutors Offices nationwide, as well as the data of first-instance system and the adjudication and penalties related to category three and category four drugs from the Ministry of Justice ("MOJ"), which features the functions of case management, intelligence analysis, system management, discussion zone, etc., allowing prosecutors and dedicated prosecutor investigators to analyze the cases and bi-directional communication records in the National Drug Database at their fingertips from their office computers. In cooperation

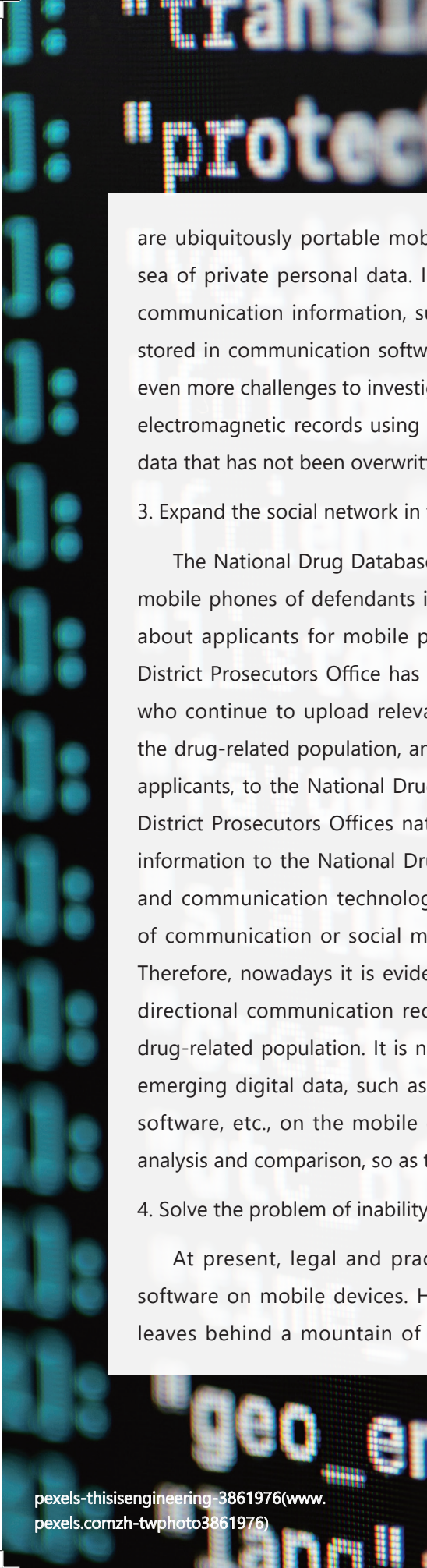
with national drug investigation and sweep operations, this National Drug Database has been put to real-time use numerous times, and has preliminarily achieved its expected efficiency. With the incorporation of the intelligence data of into the database, the efficiency of technological investigation can be further realized.

As the digital evidence and intelligence involved in drug and various other cases increase day by day, all District Prosecutors Offices have also gradually set up their digital evidence collection task forces which provide the following benefits:

1. Build a social networks big data analysis system

As of November 29, 2017 in the THPO's National Drug Database, the number of mobile phone numbers held by the drug-related population has amounted to 509,664 narcotics-related records, 1,491,773 person-times, and 54,234,499 bi-directional communication records. With the bi-directional communication records in the National Drug Database, although it is possible to outline the people network of the drug-related population, it is evidently insufficient to construct the people network purely based on bi-directional communication records associated with the mobile phone numbers held by the drug-related population., Ssince nowadays various types of communication are often carried out through communication software over the smart phone. This project aims to utilize mobile phone (mobile device) identification equipmentdigital forensic equipments and softwares to retrieve from mobile phones the data of address books stored by the holders' on their mobile phones (mobile devices), the records of incoming and outgoing calls on mobile phones, and the contents of text messages, the information of contacts in specific mobile phone communication software, the information of members in chat groups and the contents of their conversations, etc., where such retrievals arewill be visualized to further facilitate speedy analysis. In addition, the current National Drug Database can be supplemented and expanded to respond to the deficiency that "constructing the mobile phone holdusers' peoplecontact network through their bi-directional communication information" cannot be applied to the information hidden in the communication software on the mobile phone.2. Restore data deleted from the mobile devices

Electromagnetic records are congenitally prone to making modifications, and mobile phones



are ubiquitously portable mobile devices carried around by individuals, which often store a sea of private personal data. In practice, the drug-related population often deletes relevant communication information, such as incoming and outgoing records, conversation contents stored in communication software, etc., immediately after contacting key people, which brings even more challenges to investigations by investigation personnel. With the function of restoring electromagnetic records using mobile phone digital forensic equipment and software, deleted data that has not been overwritten by the new data can be restored.

3. Expand the social network in the National Drug Database

The National Drug Database has collected the bi-directional communication records on the mobile phones of defendants in various drug cases, as well as the basic personal information about applicants for mobile phones, from 22 District Prosecutors Offices nationwide. Each District Prosecutors Office has assigned dedicated personnel to build and maintain such data, who continue to upload relevant electronic files of bi-directional communication records of the drug-related population, and the basic personal information of the mobile phone numbers applicants, to the National Drug Database and transpose such data for storage. At present, all District Prosecutors Offices nationwide continue to collect and upload the above-mentioned information to the National Drug Database. However, due to the advancement of information and communication technology, mobile phone users have gradually adopted various types of communication or social media software, rather than using voice calls or text messages. Therefore, nowadays it is evidently insufficient to construct the people network based on bi-directional communication records associated with the mobile phone numbers held by the drug-related population. It is necessary to utilize digital evidence collection to incorporate the emerging digital data, such as photos, videos, data on social media, data of communication software, etc., on the mobile devices or cloud of the drug-related population for big data analysis and comparison, so as to outline and investigate crime networks and contexts in depth.

4. Solve the problem of inability to monitor communication over the communication software

At present, legal and practical difficulties frustrate the monitoring of communication software on mobile devices. However, the communication via communication software still leaves behind a mountain of relevant data inside the mobile device, such as personal ID,

contacts, friends' IDs, chat groups, conversation records, etc. Telecommunications companies also keep IP communication records associated with mobile numbers. Therefore, retrieving data of records of communication software from mobile devices, and the IP communication records of the phone numbers, and building it into the database should enhance and assist the analysis of the scope of daily activities of the drug-related population and the mutual communication network.

5. Collect other digital evidence

Apart from the above-mentioned mobile devices, the storage memory and data in conventional computers, servers, and emerging cloud storage, camera drones, UAV, and other automatic equipment may also constitute important evidence to determine the facts of a crime. Therefore, the digital evidence collection task force can also make use of the existing equipment and resources to conduct digital evidence collection, so as to strengthen the evidence required.

6. Assist in erasing data from electronic products for price-alteration auction and from the storage equipment replaced by Prosecutors Office

In the current procedures of seizure and price alteration, all the seized electronic products, such as computers, servers, or mobile phones, contain the data of the original users, and such data shall be erased before the price-alteration auction to avoid disputes. In addition, when the storage equipment used by Prosecutors Office is updated due to replacement or repair, the data in such storage equipment shall be erased to avoid leakage of relevant information.

7. Improve the conviction rate

In response to communication and crime patterns in the digital age, the complete operation of digital evidence collection and the high performance help to acquire more digital evidence than ever, making the investigation process more scientific and accurate, contributing to the improvement of conviction rate.

In addition, in response to digital evidence or intelligence, the Prosecutors Offices nationwide have gradually established digital forensics team since 2018. The explanation is as follows:

(1) Taiwan High Prosecutors Office

- ① The Digital Forensics Center of the THPO is responsible for assisting all District Prosecutors Offices nationwide with digital forensic operations, budgeting and compilation of maintenance, procurement of digital forensic equipment, training, supervision and evaluation, data integration, database building and system integration, etc.
- ② The THPO is responsible for the formulation of standard procedures for digital evidence collection operations.

(2) Digital Forensic Central District Prosecutors Office

In order to meet actual needs and local conditions, THPO plots out eight central Digital Forensics Prosecutors Offices, which are Taipei, New Taipei, Taoyuan, Taichung, Tainan, Kaohsiung, Changhua, and Hualien. All Digital Evidence Collection Centers of the District Prosecutors Offices are also obligated to provide assistance to their neighboring District Prosecutors Offices.



Opening of Digital Forensics Centers in Prosecutors Office

(3) Other District Prosecutors Offices

Those who are not central of District Prosecutors Offices without a Digital Forensics Center shall also assign digital forensic personnel to conduct preliminary digital evidence collection activities, who shall have the ability to assist the police to conduct appropriate digital forensic procedures in a timely manner, as well as to analyze and interpret digital evidence or reports.

(III) Build the remote video system in Prosecutors Offices

In order to enhance the effectiveness of prosecutorial work, the remote video conferencing system was founded in



At the THPO, Minister Tsai, Ching-Hsiang and Prosecutor-General Chiang, Hui-Ming presided over the first remote video conference on the prosecutorial supervision for the election of the 15th President and Vice President and the 10th Legislative Yuan election.

July, 2019, where a dedicated network is set up, connecting the THPO and other Prosecutors Offices, so that video conferences can be promptly convened, upon the occurrence of major incidents, to discuss the solutions in a timely manner. Moreover, in order to properly handle the prosecutorial supervision for the election of the 15th President, Vice President and 10th Legislative Yuan election, the first remote video conference on the election prosecutorial supervision was convened at the THPO on the afternoon of November 26, 2019, presided over by Minister Tsai, Ching-Hsiang of the MOJ and Prosecutor-General Chiang, Hui-Ming of the Supreme Prosecutors Office, where bribery investigation matters and reports were discussed with Chief Prosecutors of all the first and second-instance Prosecutors Offices for effectiveness of the supervision.

(IV) High Tech Crime Investigation Center

In order to strengthen and develop the capabilities and skills of technological investigation, the High Tech Crime Investigation data Center was established in 2017, and was later renamed as the High Tech Crime Investigation Center of the Taiwan High Prosecutors Office in 2020, which combines the existing experience while continuing to develop practical researches into more facets on digital forensic collection, polygraphs, etc. For details, please refer to the contents of Chapter EIGHT "High Tech Crime Investigation Center."

Section 6 Business exchanges

I. International exchanges

As the cross-border flow of people, goods, labor, and capital in the world become more frequent and closer than ever, cross-border crimes are increasing accordingly. For example, crimes such as drugs, corruption, money laundering, economic crimes, computer/cybercrimes, infringement of intellectual property rights, human trafficking, etc. are no longer limited to the jurisdiction of specific countries and regions. In order to effectively prosecute crimes, recover stolen goods, and pursue outlaws, prosecutors in Taiwan must engage in international cooperation to achieve their goals. Apart from facing the need for international judicial mutual assistance, countries or international organizations face common judicial (prosecutorial) issues, such as: protection of intellectual property rights, anti-corruption operations, prevention and control of money laundering, combatting drug crimes, investigation of human trafficking crimes, investigation of cybercrimes, seizure and confiscation of criminal assets, etc. Through meeting discussions or negotiations and consultations, countries can form their policies and directions, and formulate norms and guidelines to commonly abide by, and prosecutors can also participate in relevant meetings and negotiations and consultations. Since the 1990s, the MOJ has systematically selected prosecutors to visit law enforcement agencies in numerous countries, study in foreign universities or institutions, actively attend international seminars, and be involved in activities of international organizations. Accordingly, prosecutors are able to gradually extend their horizons and tentacles from the domestic to the international level¹. Constituting an important agency for the implementation of prosecutorial administrative affairs based on prosecutorial unity for the supervision of case handling, the THPO has participated in and played many roles in international exchange activities and the execution of judicial mutual assistance cases over the years.

1. The content is cited from Chen, Wen-Chi's *The New Roles of the Prosecutors in the International Society* (which is included in the *The Justice across the Era— A commemorative festschrift on the Review of the Prosecutorial Systems over the Century*), printed by the MOJ, May 2008, pp. 256-257.

(I) International exchanges prior to the 1990s

The THPO has always been an important organ for foreign guests during their visit to Taiwan for judicial exchanges. Dated back to August 23, 1962, the THPO received Lin, Chao-Hui (of Chinese origin), a Hawaii State Prosecutor, during his visit to Taiwan. On March 2, 1966 and May 16, 1967, the Procurator's Office of the Taiwan High Court ("POTHC", i.e. the predecessor of THPO) received judicial officials from Ryukyu and Vietnam, respectively, during their visit to Taiwan for the examination of our judicial system.

A Brief Introduction of the Prosecution System of the Republic of China in Chinese and English versions were specially printed by the POTHC to introduce our prosecutorial system and business to be referred to by foreign guests. In June, 1968, the Minister of Ministry of Justice of Vietnam, along with his subordinate colleagues, visited Taiwan to examine the judicial system. On June 19, 1968, they visited the POTHC where a business briefing and seminar was jointly held by the POTHC and Taiwan High Court. In August 1969, six judicial officers, namely the Chief Judge of the Saigon Appeal Court of Vietnam, the President of the Khanh Hoa District Court of Central Vietnam, an Assistant Judge of the Saigon Appeal Court, an Investigating Judge of the Saigon District Court, a Prosecutor of the District Court, and a Deputy Prosecutor of the Saigon District Court, visited Taiwan for the examination of the judicial administration. On the morning of August, 13, 1969, they visited the POTHC where a business briefing and seminar was jointly held by the POTHC and Taiwan High Court. On September 11, 1981, the Deputy Minister Frixos Lides of the Ministry of Justice of Cyprus visited the POTHC and the Criminal Information Processing Center.

(II) Attend the summer annual meeting held by the National Association of Attorneys General ("NAAG") in the US for exchanges with the participants

Established in 1907, The National Association of Attorneys General ("NAAG") is composed of the Attorneys General of the 50 states of the United States, Washington DC, Northern Mariana Islands, Puerto Rico, Samoa, Guam, and the Virgin Islands. The purpose of the NAAG lies in assisting the Attorneys General in performing their duties and promoting exchanges and cooperation between states and judicial jurisdiction regions. With its headquarters based in



In 2002, the delegation of prosecutors attended the NAAG meeting, headed by Chief Prosecutor Wu, Kuo-Ai.



In 2007, the delegation of prosecutors attended the NAAG meeting, headed by Chief Prosecutor Yen, Ta-He.

Washington, DC, the capital of the United States, and U.S. Attorney General as its honorary member, the NAAG boasts its significant influence in the political and judicial circles of the United States.

NAAG has been very friendly to Taiwan. In February 1987, the state Attorneys General of Arkansas, Arizona, Florida, Connecticut, New York and the Deputy Executive Director of the NAAG visited Taiwan. During their stay in Taiwan, they met with Chen, Han, the Lead Prosecutor. Every year the NAAG regularly holds meetings for all members in spring, summer, and winter. Since its visit in Taiwan, NAAG has always invited, through the Ministry of Foreign Affairs ("MOFA"), our delegations of Chief Prosecutor to attend its

summer annual meetings. In 1987, our delegation attended the NAAG meeting for the first time, where the delegation was headed by Shih, Ming-Chiang, the Chief Prosecutor of the Prosecutors Office of the Supreme Court, along with the Deputy Head of the delegation, Chen, Han, the Lead Prosecutor of the POTH²

Over the years, delegations of prosecutors have been headed by the Prosecutor-General or the second-instance Chief Prosecutors for the NAAG meetings. The delegations have also visited the U.S. Attorneys Offices and law enforcement agencies, outside the NAAG meeting agenda, so as to promote mutual exchanges and cooperation between the two parties. In turn, numerous delegations of state Attorneys General have visited the MOJ and prosecutorial authorities during their visits to Taiwan.

2. Same as the previous footnote, see p. 322.

On October 22, 2019, the NAAG's Vice President, Karl Racine, also the Attorney General of Washington, DC, along with Kevin Clarkson, Attorney General of Alaska, and Al Lama, the Deputy Executive Director of the NAAG, visited the THPO and the Intellectual Property Branch, and attended a seminar during which the following matters were introduced to the guests, including the business of the THPO and the Intellectual Property Branch, the building of the National Drug Database, the protection of crime victims and those rehabilitated persons with past criminal records. Many questions raised by the guests on the design and practical application of the civil remedy and criminal punishment system for the infringement of intellectual property rights in Taiwan, while much interest and praise arose towards our practice in protecting rehabilitated persons and victims. In the vigorous Q&A and exchanges, these guests also came to a better understanding of the criminal justice of both leniency and strictness, and restorative justice in Taiwan.

(III) The 2017 Chair's Initiative and Western Pacific Attorneys General Summit by Conference of Western Attorneys General ("CWAG")

In March 2017, appointed by the MOJ, the Chief Prosecutor of the THPO attended the CWAG Summit, along with the Prosecutors of Kaohsiung District Prosecutors Office and Chiayi District Prosecutors Office, making Taiwan's debut participation in the CWAG meetings.

As an organization parallel with the National Association of Attorneys General ("NAAG"), CWAG was established in the late 1960s, whereas the NAAG was established in 1907. Initially, CWAG was supported with manpower by the "Council of (Western) State Governments" established in San Francisco, thus allowing the Attorneys General of the western states to meet regularly and discuss issues of common concern to the western states, such as: water resources, the fishing industry, wildlife, public lands, minerals, environmental protection, Indian laws, etc. In 1982, CWAG separated from the Council of (Western) State Governments to form its own staff and organizational structure. The members of CWAG then expanded from the original 15 state Attorneys General, becoming a larger organization, including members from the organizations

subordinate to the Attorneys General of the eastern, southern, and midwestern states. In addition, as a center for the exchange of information and legal strategies, CWAG has provided assistance to its members in promoting interstate working relations and providing timely information to enhance their professional knowledge.

An important organization, CWAG has been very friendly to Taiwan. Most of CWAG's members are the Attorneys General of major states in the western United States. CWAG allows Taiwan's judicial system to connect with foreign advanced judicial systems. CWAG's meeting formats can also be used as a reference for the relevant Chief Prosecutors' meetings in the future. Selecting trendy and hot issues (such as tracking and recovering illegal gains, prevention of money laundering, drug prevention and control, etc.) and inviting experts in related fields to seminars to share their work experience and expand the working network will be of great benefit to crime prevention and investigation.

(IV) Organize the 8th IAP Asia-Pacific & Middle East Regional Conference in 2012

The THPO and the Prosecutors Association, ROC (Taiwan) ("PA") jointly organized the "8th IAP Asia-Pacific & Middle East Regional Conference in 2012" in April, 2012, which had as its theme "Combating Economic Crimes through Asset Recovery." More than 170 people from home and from 33 countries and regions abroad (including China) and two international organizations attended the meeting. This event marks the first large-scale international organization conference undertaken by the domestic prosecutorial system from an international organization for the first time.

At present, the International Association of Prosecutors ("IAP") marks the only global and UN-supported international organization mainly consisting of prosecutors, demonstrating its importance and influence. Since 2005, the PA has strived to and applied to join the IAP as a member. After years of effort, the PA was finally approved by the Executive Committee of the IAP as a member under the name of "Chinese Taipei Prosecutors Association" in October 2009.

The 8th IAP conference had as its theme "Combating Economic Crimes through Asset Recovery." In the face of situations where convictions are not possible, recoveries of swag are difficult, or restrictions on seizure and confiscation of certain types of properties are imposed,

the illegal gains from crimes fail to be effectively deprived, resulting in unreasonable and unjust phenomena. At this IAP conference, six sub-topics were rolled out for discussion, namely "Consideration of non-conviction based Asset Forfeiture," "The development of Asset Forfeiture Legislation and International Trends," "International cooperation in Asset Recovery," "Building an efficient Anti-money Laundering Framework between Financial Institutions and Investigative Agencies," "Protecting Bona Fide Third Parties' rights in Asset Recovery," and "Proper use of Forfeited Property – Establishing Asset Forfeiture Funds and Property Sharing Systems."

In this IAP conference, 50 prosecutors were selected to receive foreign guests. The strength and vigor demonstrated also constituted one of the important factors for the success of this conference. Hosting this regional conference in Taiwan resulted in great effect in enhancing Taiwan's visibility and image internationally, expanding professional exchanges, and strengthening cooperative relations in the international criminal and judicial mutual assistance.



Photo above: On April 17, 2012, James Hamilton, President of the IAP, Huang, Shi-Ming, Prosecutor-General, Yan, Da-Ho, Chief Prosecutor of the THPO, and Shi, Ching-Tang, President of the TPA jointly kicked off the conference.

Photo below: Tseng, Yung-Fu, the then Minister gave his opening remarks at the opening ceremony of the conference.



II. Cross-strait exchanges

In order to protect the rights and interests of people across the straits and maintain the order of cross-strait exchanges, the Straits Exchange Foundation ("SEF") and the Association for Relations Across the Taiwan Straits ("ARATS") jointly signed the "Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement" ("Cross-Strait Judicial Mutual Assistance Agreement") in Nanjing City, China, on April 26, 2009, which took effect on June 25, 2009, opening up an institutionalized judicial cooperation mechanism across the straits.

The contents of the Agreement include matters such as "cooperation in police affairs," "judicial mutual assistance," "humanitarian care," "business exchanges," etc. The (Department of International and Cross-Strait Legal Affairs ("DICSLA") of the) MOJ is designated as the liaison body for the Agreement, responsible for planning and arranging exchange activities such as "exchange of visits," "seminars on practical affairs," "study courses," "exchanges of professional publications," etc.

(I) Cross-Strait Seminar on Prosecutorial Practices

In order to implement and promote the business exchanges stipulated in the "Cross-Strait Judicial Mutual Assistance Agreement," under the framework of the Agreement, the MOJ and the Supreme People's Procuratorate ("SPP") of China have planned to hold "Cross-Strait Seminars on Prosecutorial Practices" by the THPO and the provincial (municipal) Procuratorates of China, respectively in turn, starting in 2010. In August 2010, the People's Procuratorate of Fujian Province held the 1st seminar in Mount Wuyi, Fujian Province. The 2nd and 5th seminars were held in Taipei, whereas the 3rd and 4th seminars were held in Foshan, Guangdong and Chengdu, Sichuan, respectively. A total of six seminars were held by the end of 2015, and seminars were suspended afterwards.

The themes of the past six seminars range from the reform and improvement of the procuratorial power, the tracking/recovering and seizing of illegal gains, the system of recommendations of the prosecutors' sentencing request and sentencing, the joint combating of cross-border frauds or drug crimes, the use of judicial measures of both leniency and strictness, the strengthening of effectiveness of the cross-strait judicial mutual assistance platform, the establishment of a deferred prosecution system, the guarantee of the legality and rightfulness of



2010 First Cross-Strait Seminar on Prosecutorial Practices in Mount Wuyi, Fujian Province



Memoir from the seminar results

compulsory sanctions, and the functions and roles of prosecutors, to the head prosecutor system, the prosecutor's occupational security system, the prosecutor's sophisticated investigation, and the demonstration of role of public welfare, etc. These themes from theory to practice, from business to system, have gathered abundant energy for research and discussion. Prosecutors across the straits in these seminars have published more than 200 papers which have been compiled in series, which not only made these seminars more meaningful, but also allowed Prosecutors to understand better the judicial system of the counter party, thus deepening the development of judicial exchanges and cooperation.

(II) Judicial mutual assistance to combat crimes

The Prosecutors Offices (of Taiwan)/procuratorates (of China) and judicial police agencies across the straits conduct cooperation in matters of exchange of criminal intelligence, investigation and evidence collection, and assistance in investigations, under the framework of the Cross-Strait Judicial Mutual Assistance Agreement to jointly combat various cross-border crimes. Meanwhile, cases of frauds and drugs are listed as the key combating targets, so as to protect the rights and interests of the people and social security across the straits.

1. MLM investment frauds in Nanning, Guangxi Province

The MLM investment frauds in Nanning, Guangxi Province had prevailed in the name of "pure capital operation" in Nanning City, Guangxi Province, China since 2010. The fraudulent

group enticed people with high bonuses, defrauding people with a membership fee of RMB 70,000 per unit in a multi-level marketing method like a rat club. In 2013, with a task force set up, the THPO stayed in close contact and cooperation with the China Public Security Department to exchange criminal intelligence, investigate and collect evidence, and repatriate accomplices stranded in China through the platform under the Cross-Strait Judicial Mutual Assistance Agreement. Taiwan has carried out two investigation operations, mobilizing a total of 744 prosecutorial, investigating, and police personnel, searching 202 premises, uncovering 32 fraudulent groups, and tracking down 206 defendants.

2. Telecommunications and Internet frauds



Since the 2000s, cross-border telecommunications frauds have gradually run wild. Criminal groups consisting of members from across the straits are often headed by the ringleader in Taiwan, with computer rooms set up in various locations worldwide and victims mainly located in mainland China. The THPO is responsible for the comprehensive supervision of such type of cross-border crimes investigated by each District Prosecutors Office nationwide. On December 27, 2010, 14 Taiwanese nationals were arrested by the Philippine police in a telecommunications fraud case and escorted to China, which was seriously protested by the Taiwanese Government. After the communication between the MOJ and the Public Security and relevant departments in China, the Head Prosecutor and Prosecutors of the

Taoyuan District Prosecutors Office were assigned to investigate and collect evidence in China. Upholding the spirit of joint combat against crime, China agreed to have the 14 telecommunications fraudsters escorted back to Taiwan for the investigation procedures under the framework of the Cross-Strait Judicial Mutual Assistance Agreement. This case marks the first case involving direct cooperation between

Taiwan's prosecutors and China's Public Security Department. China's Public Security Department also recognized the necessity of reciprocal cooperation with Taiwan's prosecutorial entity during the process of cooperation.

In 2014, 45 Taiwanese nationals were arrested in Kenya in a telecommunications fraud case, who were found not guilty by the local court in Kenya before they were repatriated to China without informing Taiwan. In 2016, Malaysian police, in conjunction with police from China, seized five computer rooms used for telecommunications fraud and arrested 120 people, based on information provided by China. Among the arrestees, 20 Taiwanese suspects were repatriated back to Taiwan on April 15, 2016 through negotiations between Taiwan and Malaysia, whereas the remaining 32 Taiwanese suspects were repatriated to China.

Regarding the subsequent processing of the 45 Taiwanese nationals repatriated to China by the Kenyan Government, the 20 Taiwanese nationals repatriated to Taiwan by the Malaysian Government without relevant files and evidence, and the 32 Taiwanese nationals repatriated to China by the Malaysian Government, a Consultation Task Force was formed as per instructions of the Executive Yuan to the MOJ, consisting of members from the MOJ, prosecutors from the prosecutorial authorities, and personnel from the Mainland Affairs Council ("MAC"), the SEF, and the Criminal Investigation Bureau ("CIB"). The Task Force, headed by the Director-General of the DICSLA, went to China twice for the consultation. Both parties reached a consensus on the cooperative investigations, arrangements of family visiting of the suspects, and the future processing principles in handling crimes involving third countries. Moreover, in order to demonstrate the determination to combat cross-border telecommunications frauds, protect victims, and realize social justice, the THPO has undertaken the establishment of the "recovery platform for cross-border telecommunications frauds" as per instructions of the MOJ, where numerous entities were invited to jointly study the details of the establishment of the platform, including National Police Agency ("NPA") of the Ministry of the Interior ("MOI"), the Investigation Bureau of the Ministry of Justice ("MJIB"), the National Communications Commission ("NCC"), the Financial Supervisory Commission ("FSC"), the Department of Commerce ("DOC") of the Ministry

of Economic Affairs ("MOEA"), National Credit Card Center ("NCCC"), Financial Information Service Co., Ltd., and the Taipei, New Taipei, Shilin, Taoyuan, Taichung, Tainan, and Kaohsiung District Prosecutors Office. Ultimately, the platform aims to effectively block telecommunications fraudsters' conduct and recover stolen goods, and to achieve the goals of "investigation in depth, seizure in reach, and recovery in quantity."

(III) Cross-strait professional exchanges

Exchanges between prosecutors (in Taiwan)/procurators (in China) across the straits and exchanges with China's Public Security Department are conducive to the mutual recognition and understanding, establishment of mutual trust, and strengthening cooperation. Prior to the execution of the Cross-Strait Judicial Mutual Assistance Agreement in 2009, professional exchanges were conducted in the name of non-governmental organizations, whereas after the execution of such Agreement, professional exchanges were conducted officially through the arrangement of the contact window at the MOJ under framework of the Agreement, in addition to the original non-governmental exchanges.



In April and May 2016, the two parties across the straits consulted for the second time on the investigation and handling of the telecommunications frauds involving Kenya and Malaysia.



In 2011, Yan, Da-Ho, the Chief Prosecutor of the THPO, along with Chief Prosecutor and Prosecutors of the District Prosecutors Offices, visited the Jiangsu Provincial Public Security Department in China.



Cao, Jian-Ming, the Procurator-General of the SPP of China, visited the social labor agency of the Shilin District Prosecutors Office during his trip to Taiwan.

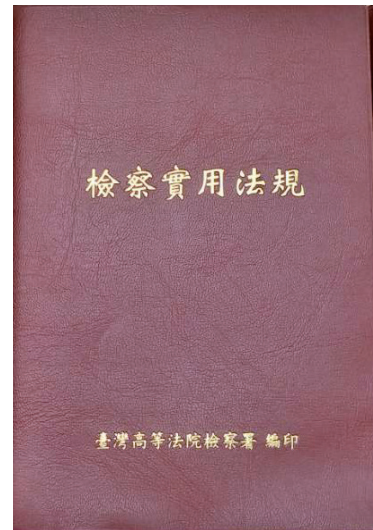
Section 7 Publications

I. Practical Prosecutorial Laws and Regulations

The Basic Six Acts was first printed in 2006 for use by prosecutors, clerks, and colleagues, etc. nationwide during their business operations. At that time, 37 kinds of laws and regulations were included in the book, which were deemed necessary or recommended to be included as per the opinions of more than 15 Prosecutors of the THPO. As for now, the book has been expanded to include the Constitution, Civil Code, Criminal Code and Code of Criminal Procedure, as well as laws and regulations in the categories of election prosecutorial supervision, financial economy, food safety, homeland conservation, maternal and children protection, drug investigation, intellectual property, international and cross-strait matters, and national security, plus Justice's interpretations, etc.

II. Periodicals of Taiwan Prosecutor Review

The biannual periodical Taiwan Prosecutor Review issued by the THPO is the only professional periodical in the prosecutorial system in Taiwan, where the inaugural issue was launched in January 2007, systematically discussing issues of concern to the prosecutorial system, recording the trajectory of the development of the prosecutorial system, while providing a legal space for all prosecutorial colleagues to jointly cultivate and conduct academic exchanges with the outside world. Taiwan Prosecutor Review is also concerned with social trends and issues, and often co-organizes academic seminars with organizations



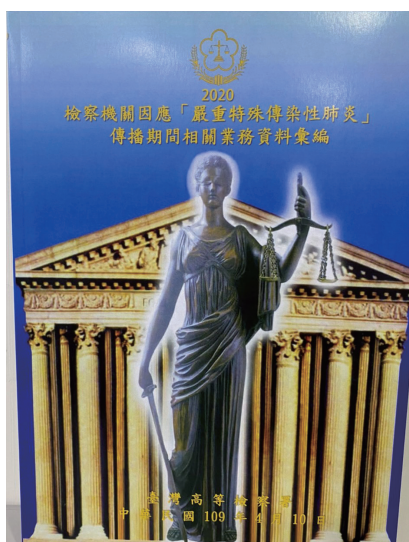
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such as the PA, etc. in responding to the concerns of the prosecutorial system and the people. In addition, Director-General Tsai, Chiu-Ming of the DICS LA, MOJ found out that periodicals of Taiwan Prosecutor Review were displayed in the library of the Max Planck Institute for Foreign and International Criminal Law during his visit into Germany.

III. Compilation of relevant business information handled by Prosecutorial Authorities in response to and during COVID-19



In order to enable the prosecutorial authorities to properly handle their investigations, implementations, field examinations, and other prosecutorial business during the pandemic period, the THPO set up an editorial team to compile the Compilation of relevant business information handled by Prosecutorial Authorities in response to and during COVID-19 which includes letters and notices related to pandemic prevention from the MOJ, conclusions from various study and consultation meetings, and the guidelines on pandemic prevention measures from the Central Epidemic Command Center ("CECC"), which are systematically categorized for easy review and reference by colleagues of all prosecutorial

authorities, so as to properly and comprehensively handle related affairs in a timely manner.

In order to enhance the correctness and practicability of the contents of this compilation through opinion gathering, the THPO held a consultation meeting on "related matters for Prosecutors handling cases during COVID-19 pandemic period" on April 9, 2020. The meeting was presided over by Chief Prosecutor Hsing of the THPO, and guests invited for the discussion of the contents of the compilation included Head Prosecutors of the Department of Prosecutorial Affairs ("DPA") of the MOJ and Head Prosecutors of the dedicated "Pandemic Prevention Task Forces" of Taipei, Shilin, New Taipei, and Taoyuan District Prosecutors Offices. All participants fully exchanged their views, striving for the completeness and comprehensiveness of the compilation, so as to enhance the reference value of this compilation which was published in April 2020.

IV. E-paper from the Taiwan High Prosecutors Office

The inaugural issue of the e-paper from the THPO was launched in June 2020. The contents include the latest developments in criminal law and regulations, important seminars, meeting highlights, business implementation results and outlooks, etc. This e-paper is issued once every months, producing its 7th issue as of June 2021. The e-papers are placed on the home page of the global website of the THPO, which are available to the public and colleagues of prosecutorial authorities for their viewing and downloading through the related links: <https://www.tph.moj.gov.tw/4421/4447/786753/>



V. The Case Handling Manual for Prosecutors in High Prosecutors Office

Our office started to compile the Case Handling Manual for Prosecutors in High Prosecutors Office in December, 2001. The goal is to have prosecutors in our office be familiar with case handling skills and other prosecutorial works in a short time by learning the experiences of other prosecutors and predecessors. The Manual was revised in 2007, 2011, 2022 to accommodate the amendment of the

Criminal Law, the Criminal Procedure Law, and other related laws, the formation of new practices, and the significant change of prosecutorial organizations.

Section 8 Iconic Cultural Artifacts

I. Commemorative badge from the THPO

The double circles on the first layer of the commemorative badge signifies the criminal justice policy of both leniency and strictness. The golden light of the second layer highlights the honor and glory of the Public Prosecutor of the Republic of China. The purple-red light and the plum blossom pattern in the middle symbolize that Prosecutors are the representatives of the public welfare who prosecute crimes and maintain social order pursuant to law on behalf of the country. The balance refers to the enforcement of law with impartiality by the Prosecutors beyond partisan interests, so as to safeguard the public interest protected by our Constitution and the law.



The front (above) and back (Below) of the THPO's commemorative badge

II. Logo of the Taiwan High Prosecutors Office

With the totem of gongs and a balance in the center, and the Chinese characters “臺灣高等檢察署” and English characters “Taiwan High Prosecutors Office” laid out in a circle at the upper and lower part of the logo, the logo signifies harmony, integrity, and endlessness. As a public welfare representative maintaining the social order, Prosecutors can not only prosecute and punish crimes on behalf of the country pursuant to law, but can also take the public interest into account and pursue social harmony based on empathy. Moreover, the circular **design** can also reflect the spirit of the prosecutorial work integration; hence the symbol of unity. The eyes outlined with simple lines on both sides of the logo reflect the meaning of the eyes of law is to see everything clearly. The gongs in the center symbolizes the thoroughness of affairs. The two Chinese characters “高” and “檢” written inside the gongs, and the Chinese entire title of the THPO at the top adopt the seal type characters with the characters aligned, with the characteristics of character strokes in order, uniformity and symmetry, while echoing the

meaning of fairness, justice, and left-right balance shown by the balance. Moreover, although the strokes of the seal characters have twists and turns, they never go beyond the square frame, which also means square and satisfactory ways in handling affairs are our pursuit, as well as symbolizing the Prosecutor's mandatory compliance with the law in handling cases, their taking into account people's feelings and justifications, and their striving to meet society's expectation of fairness and justice.



III. "The Scale of Justitia"

The Taipei Branch of the Taiwan After-Care Association invited Mr. Wu Zong-lin, a national treasure-level bronze artist, to the Taipei Prison to hold a public welfare course on bronze sculpture. In addition to continuing cultural skills, he personally taught the inmates to make bronze sculptures by hammering them with both hands, and remodeling them through works. This "Scale of Justitia" was created by Wu Zong-lin. The scale contains "equality, reason, and compassion", and the beauty of



the art is displayed with a gong, which specifically shows the responsibilities of prosecutors. In 2021, Thomas Wu(Wu Dong-liang) and Lin Bing-yao, executive directors of the Taiwan After-Care Association, made a custom order to celebrate the 77th anniversary of the establishment of the Taiwan High Prosecutors' Office and displayed it on the first floor of the Bo-ai Building of the Taiwan High Prosecutors' Office. It contains the core idea of "equality, reason, and compassion".

IV. Logo of the Electronic Monitoring Center

Technological equipment and technology are progressing with each passing day. In order to prevent defendants, who have not been detained or have no longer been detained, from escaping to evade their criminal liabilities during investigations or trials, Subparagraph 4 was added to Paragraph 1 of Article 116-2 of the Code of Criminal Procedure on July 3, 2019, where defendants are ordered to accept appropriate monitoring by technical equipment as alternative sanctions to detention. In response to the new system,

the The Judicial Yuan and The Ministry of Justice convened a meeting to discuss the establishment of Electronic Monitoring Center and reached a consensus to entrust Taiwan High Prosecutors Office to build it. The location of the center is at the second floor of the old

building of Taiwan Shilin District Prosecutors Office. EMC includes the main monitoring room, case study room, offices, standby room, and data processing mainframe, etc., covering an area of approximately 142.4 pings (470.7 m²), with a total budget of approximately NTD 287 million. The “refurbishment project” was completed in February 2021, and the “equipment and information system project” was expected to be completed on April 30, 2021. The EMC aims to achieve balance between the safeguard of the defendant's human rights and the progress of the proper criminal proceedings.

The design of the logo of the EMC adopts four design elements, namely “sunshine, EMC, front sight, and lens.” The sunshine symbolizes brightness without blind spots; the front sight and the lens represent high-tech monitoring and the guarantee of progress of the entire criminal proceedings in an all-round and proper manner; and the blue and purple in the same circle manifest the cooperation with the judicial authorities to safeguard the social justice.



Commemorative souvenirs of the EMC