

Response to the Mainland Ruling in the Kenya Case

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Regarding the handling of cross-border telecommunications fraud cases, the government of the Republic of China (ROC) has consistently advocated that the involved nationals should be returned to Taiwan to undergo investigation and trial according to law. It also hopes to effectively combat cross-border telecommunications fraud through cooperation with all parties. In April 2016, when the Mainland forcibly deported Taiwanese nationals from Kenya to the Mainland, Taiwan solemnly protested to the Mainland side. The two sides subsequently held negotiations and reached a consensus on cooperatively investigating in the Kenya case and actively assisting in the arrangement of family visits. However, to Taiwan's deep regret, the Mainland has failed to implement this agreement.

With regard to the ruling of the Beijing No. 2 Intermediate People's Court in mainland China, the Mainland Affairs Council (MAC) stated today (December 21, 2017) that Taiwan believes that the facts and evidence of each individual case should be fully and thoroughly investigated and that the ruling should accord with the principle of proportionality, follow due process, take human rights into consideration and other factors to be convincing. The MAC also believes that the legal rights of the Taiwanese defendants should be fully protected. In addition, family visits should be allowed in accordance with the Agreement on Joint Cross-Strait Crime-Fighting and Mutual Judicial Assistance. Moreover, the Taiwan side has information on the suspects behind the scenes in this case. It calls again on the Mainland to promptly cooperate with Taiwan's public security agencies to investigate this case to the source and not allow the ringleaders behind the scenes to remain at large.

The MAC explained that an inter-agency platform formed by the MAC, the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry of the Interior has held eight meetings since 2016 to deliberate ways to crack down on cross-border telecommunications fraud in all respects. Furthermore, the police in Taiwan established an anti-fraud center in August 2016. They have integrated the resources with various agencies horizontally to strengthen related investigations and track down the ringleaders of criminal groups. The Legislative Yuan amended the Criminal Code, the Money Laundering Control Act, the Organized Crime

Prevention Act, while the judicial and prosecutorial agencies have strengthened investigation and prosecution. Taiwan hopes that cross-border telecommunications fraud can be effectively curbed through full cooperation and dedicated action by the executive, legislative, and judicial branches.

The MAC stressed that the Taiwan police ferreted out cross-border telecommunications fraud cases in succession recently shows that the direction of government efforts is correct and has been effective in blocking criminal attempts. However, cooperation among the public security organs of all sides is needed to combat crime effectively. Therefore, the Taiwan side calls on the Mainland to keep the well-being of the people in mind and, on the past existing basis of cooperation, engage in communication and dialogue with Taiwan to jointly seek solutions on matters related to cooperation in combating crime. This is the only way to thoroughly crack down on fraud rings to safeguard the rights and interests and well-being of the people on both sides.