

Response to Mainland China's Judgment of Second Instance on the Kenya Case

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The Mainland Affairs Council (MAC) stated today (March 28, 2018) that the protection of judicial human rights is vital in free, democratic, and rule of law countries. In every criminal case, the facts and evidence should be fully and thoroughly investigated, due process should be truly followed, and the protection of human rights, proportionality principle, and other factors should be comprehensively considered before rendering judgment. Only then will the verdict be convincing to the public. The Beijing Municipal High People's Court in mainland China today rendered a judgment of second instance on the Kenya case. It is understood that the court has ruled to dismiss the appeal in this case. The MAC will continue to closely watch follow-up developments and will provide family members with necessary assistance.

The MAC explained that, in the handling of cross-border telecommunications fraud cases, the government has consistently advocated that the involved nationals should be returned to Taiwan to undergo investigation and trial according to law. Moreover, cooperation among all parties is the only way to compile and arrange the complete criminal evidence and information needed to thoroughly combat cross-border telecommunications fraud and break up criminal syndicates. However, the Mainland has forcibly deported Taiwanese nationals to mainland China, refused to allow family visits, and unilaterally conducted investigations and trials. This has not only slowed and prevented the effective eradication of cross-border telecommunications fraud, but has also seriously infringed the rights of the people of Taiwan and highlighted differences of values between the two sides in combating crime and pursuing human rights.

The MAC called on the Mainland to protect the judicial rights of Taiwanese defendants. It also demanded that the Mainland implement the signed Agreement on Cross-Strait Joint Crime-Fighting and Mutual Judicial Assistance, provide conveniences for family visits, and

promptly begin cooperating with public security agencies in Taiwan to investigate cases to the source and bring to justice the ringleaders behind the scenes.

The MAC stressed that related government departments have recently deliberated measures from various aspects to strengthen the fight against cross-border telecommunications fraud. The Legislative Yuan has also amended the Criminal Code, the Money Laundering Control Act, the Organized Crime Prevention Act, and other laws. Recently, a number of cases have been successively broken. In the future, the government will also continue to proactively combat cross-border telecommunications fraud through full cooperation and vigorous action by the executive, legislative, and judicial departments