Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement

(This agreement will become effective only after the completion of relevant procedures.)

To safeguard the rights and interests of the peoples on the two sides of the Taiwan Strait, and maintain law and order in cross-strait contacts, the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait, after negotiation based on an equal footing, hereby agree on the following matters concerning cross-strait joint crime-fighting and judicial mutual assistance and liaison:

Chapter 1: General Provisions

1. Items of Cooperation

The Parties agree to provide each other with the following assistance in the spheres of civil and criminal affairs:

(1) Joint crime fighting;

(2) Delivery of documents;

(3) Investigation and collection of evidence;

(4) Recognition and enforcement of civil judgments and arbitration awards (rulings);

(5) Apprehension and return (repatriation) of persons against whom a criminal judgment has been rendered (convicted criminals);

(6) Other items of cooperation agreed to by the Parties.

2. Operational Contacts

The Parties agree that personnel from the relevant responsible authorities shall conduct regular working meetings, exchanges of visits, and operational training cooperation, to exchange information on each other's institutional rules, judgment documents, and other pertinent matters.

3. Liaison Bodies

Liaison on the implementation of matters set out in this agreement shall be conducted by a contact person or persons designated by the competent authorities of each Party. If necessary, with mutual consent, the Parties may designate other entities for such liaison.

Liaison regarding other matters related to this Agreement shall be handled by the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait.

Chapter 2: Joint Crime Fighting

4. Scope of Cooperation

The Parties agree to adopt measures for jointly combating acts recognized by both Parties as constituting suspected crimes.

The Parties agree to place emphasis on combating the following crimes:

(1) Serious crimes involving homicide, robbery, kidnapping, smuggling, firearms, narcotics, human trafficking, organized people-smuggling, and cross-border organized crime.

(2) Economic crimes such as embezzlement, breach of faith, fraud, money-laundering, and forgery or alteration of currency and negotiable securities.

(3) Crimes of corruption, bribery and malfeasance.

(4) Hijacking of aircraft and ships and crimes involving terrorist activity.

(5) Other criminal offences.

The Parties may, with mutual consent, give assistance on a case-by-case basis in cases that one Party considers as involving suspected crime whereas the other Party does not consider it as involving suspected crime but as a cause of serious social harm.

5. Assisting Investigation of Crimes

The Parties agree to exchange information concerning involvement in the commission of crimes, to help apprehend and repatriate criminals and criminal suspects, and when necessary to cooperate in assisting the conduct of criminal investigation and detection.

6. Repatriation

The Parties agree, according to considerations of humanity, security, speed, and convenience, and upon the existing basis, to step up the direct repatriation by sea or air of criminals and criminal suspects, and at the time of handover to turn over related documents (evidence) and sign the handover witness certificate.

When the requested Party has already instituted judicial proceedings against the person sought for repatriation, it may delay the repatriation until after the conclusion of the judicial proceedings.

When the requested Party considers there to be an important concern, interest or other special circumstance, it may make a decision on repatriation according to the situation.

Without the consent of the requested Party, the requesting Party may not take action against a person sought for repatriation other than pursuing a repatriation request.

Chapter 3: Judicial Mutual Assistance

7. Delivery of Documents

The Parties agree that, in accordance with each Party's own rules and regulations, they shall make the utmost effort to assist each other with the delivery of judicial documents.

The requested Party shall give timely assistance to document delivery within three months of receiving a written request therefor.

The requested Party shall inform the requesting Party of the result of carrying out the request, and punctually send back evidential material attesting to whether or not delivery was achieved; and if it was unable to carry out the request, shall explain the reason and send back related materials.

8. Investigation and Collection of Evidence

The Parties agree, in accordance with each Party's own rules and regulations, to assist each other in investigating crimes and collecting evidence, including: collecting depositions and statements; providing documentary evidence, material evidence, and audiovisual materials; ascertaining the whereabouts and confirming the identity of parties concerned; conducting inquests, identifications,

examinations, interviews and inquiries; searching and detaining; and so on.

Subject to the precondition of not contravening its own rules and regulations, the requested Party shall do its best to provide assistance in the form required by the requesting Party.

The requested Party shall promptly hand over relevant evidential material it helps collect to the requesting Party. However, this requirement shall not apply where the requested Party is already conducting investigation, prosecution or trial proceedings.

9. Returning the Proceeds of Crime

The Parties agree that, within the scope of non-contravention of each Party's own rules and regulations, they shall give assistance to returning the proceeds of crime or the transformed or converted value thereof.

10. Recognition of Judgments

The Parties agree that, based on the principle of reciprocity, and under circumstances that do not contravene public order or good morals, they shall mutually recognize and enforce final and binding civil judgments and arbitration awards (rulings).

11. Handover (Repatriation) of Criminals

The Parties agree that, based on principles of humanity and reciprocity, they will apprehend and return (repatriate) persons against whom a criminal judgment has been rendered (convicted criminals) in situations where the requesting Party, the requested Party and the person

in question all consent to the handover.

12. Humanitarian Visits

The Parties agree to promptly inform the other side of persons having their personal liberty restricted, suffering non-natural death or suspected non-natural death, and other such major incidents, and to provide facilitation for visits by family members in accordance with each Party's own rules and regulations.

Chapter 4: Request Procedure

13. Submission of Request

The Parties agree to submit requests for assistance in written form. But in situations of emergency, and with the consent of the requested Party, requests may be submitted in other form and confirmed in writing within ten days.

A request document shall include the following content: the requesting agency, the purpose of the request, an explanation of the matter, a summary of the case status, and other information needed for the implementation of the request.

If the request cannot be carried out due to deficiency in the content of the request document, the requesting Party may be required to furnish supplementary information.

14. Execution of Request

The Parties agree, in accordance with this Agreement and each Party's own rules and regulations, to help implement the other Party's requests, and to maintain timely

notification of the status of implementation.

If implementing a request will impede investigation, prosecution or trial proceedings currently in process, the provision of assistance may be delayed, and an explanation of the reason promptly furnished to the other Party.

If it is impossible to carry out the matter requested, an explanation shall be furnished to the other Party and related materials sent back.

15. Denial of Assistance

The Parties agree that assistance may be denied on the grounds that the content of a request is incompatible with the requested Party's own rules and regulations or that implementing the request will be detrimental to the requested Party's public order or good morals. Where assistance is so denied, an explanation shall be provided to the other Party.

16. Confidentiality Obligation

The Parties agree to maintain the confidentiality of information concerning requested assistance and the implementation of requests. However, use in accordance with the purpose of the request shall not be subject to this restriction.

17. Restriction on Use

The Parties agree to use information provided by each other only in accordance with the purposes specified in the request. However, this restriction shall not apply insofar as otherwise agreed to by the Parties.

18. Mutual Exemption of Certification

The Parties agree that no form of certification shall be required for evidential materials, judicial documents, and other materials that are the subject of requests and assistance provided under this Agreement.

19. Document Format

The Parties agree to use the format of documents for presenting requests, responding to requests, notifying of outcomes, etc., as settled by discussion between the Parties.

20. Expenses of Assistance

The Parties agree to mutual exemption from expenses incurred in the execution of requests. However, the requesting Party shall bear the burden of the following expenses:

(1) Authentication expenses;

(2) Translation, interpretation and transcription expenses.

(3) Expenses of witnesses or authenticators traveling to, staying in and departing from the requesting Party's side to provide assistance to the requesting Party.

(4) Other expenses agreed on by the Parties.

Chapter 5: Supplementary Provisions

21. Performance of and Amendment to the Agreement

The Parties shall comply with the provisions of this Agreement.

This Agreement shall be amended only with both Parties' consents, and shall be confirmed in writing.

22. Dispute Resolution

Any disputes arising from the application of this Agreement shall be resolved by prompt negotiation between the Parties.

23. Matters not Mentioned in this Agreement

Matters not mentioned in this Agreement shall be separately discussed and resolved by the Parties in an appropriate manner.

24. Effective Date

This Agreement shall become effective after both Parties have completed related preparations, within no more than 60 days of the date of signature.

This Agreement was signed on April 26 in four original copies, with each Party keeping two copies.

Straits Exchange Foundation	Association for Relations Across the Taiwan Strait
Chairman	Chairman
Chiang, Pin-Kung	***Chen, Yunlin***

【Note: In case of any discrepancy between the Chinese and English texts, the Chinese text shall govern.】