The Third Round of
Chiang-Chen Talks
Joint Crime-Fighting and Judicial Mutual Assistance

Integrating the overall strengths
Safeguarding the people's rights and interests
Maintaining order in cross-strait contacts

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I. Preface

As the government has relaxed cross-strait policy, flows of people and business activity across the Strait have intensified by the day, giving rise to various kinds of legal disputes and patterns of crime. Hence, there is an urgent need for the government to take up the responsibility of addressing and dealing with these problems, in order to safeguard the rights and interests of the people. Although the two sides made an early attempt during the Koo-Wang Talks in 1993 to engage in follow-up negotiations on technical matters concerning joint crime-fighting and judicial mutual assistance, no progress was made in such negotiations. And although the two sides again reached consensus at the Koo-Wang meeting in 1998 to "actively assist each other in cases involving the people's rights and interests," and subsequently began to help each other in cracking down on cross-border crimes and in rendering judicial assistance on a case-by-case basis, the results of such cooperation in the end fell some way short of ideal due to the lack of institutionalized joint crime-fighting and judicial mutual assistance mechanisms.

After the new administration took office on May 20 last year, under the basic principle of working for the benefit of the people, it promptly set about actively integrating efforts by all related government agencies - the Judicial Yuan, the Ministry of Justice, the Ministry of Justice Investigation Bureau, the National Police Agency, the National Immigration Agency, the Coast Guard Administration, the Financial Supervisory Commission, and the Directorate General of Customs-to map out the terms of a cross-strait agreement on joint crime-fighting and judicial mutual assistance, covering action against narcotics, smuggling, and economic crime, including investigation and enforcement. Thanks to the SEF and the GISA, this agreement was

II. The Implementation

1. Cross-border loopholes by the day of cross-strait cooperation

(1) Law-bracketing loopholes in cooperation

As cross-border trade flows and people's activity has increased. Moreover, there is an urgent need to enforceable and flexible. In this regard, given law-bracketing loopholes in cooperation, the implementing agreements and regulations need to be made

(2) Cross-border contact discrepancy

As the social environment is globalized,
narcotics, smuggling, money-laundering, fraud, corruption, and economic crime, as well as various other matters including the delivery of judicial documents, case investigation and collection of evidence, and the recognition and enforcement of civil judgments and arbitral awards. Thanks to the persistence and endeavors on Taiwan's side, the SEF and the ARATS finally achieved consensus on and signed this agreement during the third round of Chiang-Chen Talks.

II. The Importance of Signing the Agreement

1. Cross-border crime has been growing more rampant by the day, seriously threatening the order of cross-strait contacts

(1) Law-breakers are exploiting cross-strait institutional loopholes, adversely affecting the order of cross-strait contacts

As cross-strait social exchanges, economic interaction and trade flows have become more frequent, cross-strait criminal activity has also been growing more rampant by the day. Moreover, the two sides of the Strait have for so long been unable to establish institutionalized mechanisms for crime-fighting and judicial mutual assistance, which has therefore given law-breakers greater opportunity for linking up and ferreting out gaps to exploit in the institutions of law enforcement.

(2) Cross-strait cross-border crime is spreading outward, creating transnational crime problems

As the international community becomes increasingly globalized, cross-strait cross-border crime is no longer just
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confined within the borders of the two sides of the Strait. Narcotics smuggling is affecting law and order situation, money-laundering crime is feeding official corruption, and economic crime is interfering with normal economic and trade order. Such negative effects are already spreading out beyond national boundaries, and creating transnational crime problems.

(3) Emerging cross-border telecom fraud is becoming a malignant tumor in public order across the Taiwan Strait and in the Asia-Pacific region

Investigation of cross-strait cross-border fraud cases shows that, in recent years especially, fraud gangs have been constantly devising new scam techniques, speedily obscuring and eliminating evidence of crime, and that telecom fraud has been gradually spreading from Taiwan and the Mainland to countries in Southeast Asia. After forging cross-border links, criminals not only continue to target our own people with their scams, but also turn their efforts to defrauding people in Japan, Korea, Southeast Asia and other neighboring countries, internationalizing their criminal activity. Public security agencies in the Mainland are deeply aware of the severity of this situation, and have conducted numerous special campaigns aimed at wiping it out. In Taiwan, an average of 13,500 cases of fraud have been recorded in each of the past two years, conning victims out of more than NT$3 billion in 2008 alone. Among the criminal fugitives whose apprehension in the Mainland has been sought by Taiwan's National Police Agency, via requests passed on from the SEF to the ARATS, 118 have been wanted for crimes of fraud, accounting for 15 percent of all fugitives sought across the

Strait, a high proportion, it is clear to see.

(4) Cross-border telecom fraud

With the expansion of cross-border shopping has come an increase in telecom fraud. According to the National Police Agency's 16 special units, cross-border shopping and online fraud cases have multiplied within recent years. In 2008, cross-border telecom fraud cases in 2008 increased by 40 percent compared to 2007, reflecting continuing growing cross-border telecom fraud.

(5) The difficulty of anti-kidnapping cases

Cases of cross-border kidnapping from the past year have increased in the Mainland, with cross-border locations, underground operations, planning and carrying out the crime, the jointing hands of the kidnappers makes it very difficult to bring them to justice. Also, on the periphery of the sea, the border police have blind spots, and it is not easy to locate the perpetrators.

2. Public education

After the
 Strait, a higher percentage than any other category of crime. It is clear to see that fraud has become the main component of present-day cross-border crime.

(4) **Cross-border Internet crime is in course of displacing telecom fraud**

With the advancing development of the Internet, online shopping has grown into a vast market that is already worth NT$100 billion a year. Statistics from the National Police Agency's 165 anti-fraud hotline show that cases of Internet shopping and Internet auction fraud soared more than 20-fold within one year, from several tens of cases to a thousand cases in 2008. And with the occurrence of such cases continuing to grow, it is on course to displace traditional telecom fraud as the most prevalent form of such crimes.

(5) **The difficulty of detection and arrest in cross-border kidnappings**

Cases of cross-border kidnapping for ransom have evolved from the past practice of kidnapping Taiwanese businessmen in the Mainland and holding them for ransom in remote locations, into cases of cross-border extortion and underground currency exchange involving meticulous planning and division of labor. Because criminal elements are joining hands and conducting specialized division of labor, it makes it very difficult for law enforcement agencies on either side of the Strait to solve such cases, since there will always be blind spots for them in investigating the cases and pursuing the perpetrators single-handedly.

2. **Public eagerness for the early signing of an agreement**

After the conclusion of the second Chiang-Chen Talks in
November 2008, the MAC conducted a public opinion poll on the issues to be included in the next stage of cross-strait negotiations. The poll showed that 75.07% of the public hoped that issues related to the normalization of the order of cross-strait contacts (including joint crime-fighting and mutual judicial assistance) would be prioritized for negotiation.

Furthermore, the MAC's latest public opinion poll, conducted in April 2009, showed that 79.6% of the people consider that the two sides of the Strait should as soon as possible negotiate and sign an agreement on joint crime-fighting, as a means of solving problems of judicial investigation and the repatriation of criminals. It is evident that the public have high expectations for the two sides of the Strait speedily signing an agreement and taking joint action to combat cross-border crime.

III. Establishing Institutionalized Cooperation Mechanisms

1. Joint Crime-Fighting Cooperation

This involves institutionalizing the longstanding cooperation between public security agencies on the two sides of the Taiwan Strait in apprehending fugitives, and the current practice of repatriating criminals on a case-by-case basis. And under the principle of "cooperating across the board while focusing the fight," it includes the adoption of concrete measures to fight all kinds of crime while prioritizing the fight against the spread of cross-border telecom fraud, economic crime, narcotics smuggling, and human trafficking, to safeguard the property safety of the people on both sides of the Strait.

2. Judicial Mutual Assistance

This involves institutionalizing the delivery, coordination, and mutual assistance in criminal litigation. It shall aim at the conduct of judicial mutual assistance so as to provide regular mutual assistance mechanisms. Civil law shall be involved in the implementation of judicial mutual assistance mechanisms.

3. Regular Coordination Meetings

Taiwan's Ministry of the Interior, the Mainland Affairs Council, and the People's Procuratorate of the Ministry of Justice shall establish a regular coordination meeting to implement the content of the mutual assistance mechanisms.

4. This Agreement on Judicial Law

The competent authorities provided for in this Agreement currently in
the Strait.

2. Judicial Mutual Assistance

This involves making arrangements for judicial document delivery, case investigation and collection of evidence, restitution of the proceeds of crime, humanitarian visits, and repatriation of criminals, as a means of building cross-strait judicial mutual assistance mechanisms in civil and criminal litigation. Its aims are, on the criminal law side, to facilitate the conduct of criminal investigations, prosecutions and trials, so as to provide a comprehensive and consistent mutual assistance mechanism for jointly combating crime; and on the civil law side, to provide for the mutual recognition and implementation of judgments, with a view to fully safeguarding the people's rights and interests in civil litigation.

3. Regular Liaison Window

Taiwan's Ministry of Justice and the pertinent authorities in the Mainland (the Ministry of Public Security, the Supreme People's Procuratorate, the Supreme People's Court, and the Ministry of Justice) will establish an operational liaison window, to serve as the agreement's main liaison body for regular contact and coordination concerning requests for and the implementation of cross-strait joint crime-fighting and judicial mutual assistance.

4. This Agreement Does Not Involve Any Revisions of Law

The content of the cooperation and mutual assistance provided for by this agreement is framed upon laws and rules currently in effect. For example, Articles 8 and 74 of the Act
Governing Relations Between People of the Taiwan Area and the Mainland Area already make clear provision concerning delivery of documents, case investigation and collection of evidence, and the recognition and enforcement of civil judgments and arbitral awards. Judicial and public security authorities can implement the relevant provisions of the agreement in accordance with the provisions of the Code of Civil Procedure, the Code of Criminal Procedure, the Police Duties Enforcement Act, the Immigration Act, the Drug Control Act, the Human Trafficking Prevention Act, the Money Laundering Control Act, and other relevant laws.

IV. Conducting Across-the-Board Cooperation (see attached chart for details)

1. Cross-strait joint crime-fighting has four main facets:

(1) Information exchange

The public security institutions on the two sides of the Strait will establish a mechanism for exchanging crime information, to serve as a means of promptly exchanging intelligence so that they can keep abreast of information concerning cross-border criminal activity such as telecom fraud. This will help them strike directly at crime, thwarting the malefactors from earning money through illegal means and reducing harm to the lives and property of the people.

(2) Scope of cooperation

The two sides of the Strait will extend the scope of cooperation across the board, to cover all kinds of crime without distinction. At the same time, they will especially focus efforts on combating main types of crime that are of common concern, such as telecom fraud, money laundering, drug trafficking, and other acts of organized crime. This is consistent with the interests of both sides and the Mainland Area and the Taiwan Area in maintaining the safety of the people.

(3) Assistance and repatriation

By cooperating with each other and providing assistance through such means as mutual legal aid, expert consultation, repatriating criminals, and holding joint crime investigations, launch concerted efforts to combat transnational and cross-sideline criminal activities engaged in by the common criminals.

(4) Repatriation

In the future, when the two sides of the Strait put into operation the mutual legal aid agreement, there is no place to hide for criminals. The two sides of the Strait will cooperate in ensuring that those criminals, including those repatriated under the mutual legal aid, can be repatriated to the place of their choice under the relevant laws and regulations. The wording of the mutual legal aid agreement is clear on this point, there to be as a matter of principle. In such circumstances, if there is an agreement on handing over the criminals, then according to the agreement.
common concern to the people on either side of the Strait, such as telecom fraud, narcotics smuggling and economic crime. This will enable the public security agencies in Taiwan and the Mainland to strengthen their cooperation to ensure the safety of persons and property.

(3) Assistance in case investigation

By cooperating on the basis provided for in the agreement, through such means as exchanging crime information, assisting with case investigation and collection of evidence, and repatriating criminals, the two sides of the Strait will be able to launch concerted actions to catch and prosecute offenders engaged in cross-border criminal activity in one fell swoop.

(4) Repatriation

In the future, the two sides will have a much firmer basis for cooperating on the repatriation of criminals, to make absolutely sure that criminals have no chance to escape and no place to hide from justice. The establishment of a more complete institutionalized repatriation mechanism will enable repatriations to be carried out more smoothly, securely, swiftly and conveniently. The agreement also takes into consideration the common practices of international mutual assistance in criminal matters, and incorporates the principles of no repatriation of military, political and religious offenders, and no handing over of one's own citizens. This is covered by the wording of Paragraph 3 of Article 6 of the agreement, which clearly stipulates that "When the requested Party considers there to be a significant concern, interest or other special circumstance, it may make a decision on repatriation according to the situation." Thus it is ensured that the cross-
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2. Cross-strait judicial mutual assistance has six main elements:

(1) Document delivery

Judicial mutual assistance channels will be available to use for the timely and effective delivery of judicial documents, to ensure that litigation proceeds according to law, and that the people can effectively claim and defend their personal rights in cross-border legal proceedings.

(2) Case investigation and collection of evidence

The two sides will be able to use judicial mutual assistance mechanisms to seek each other's help in investigating cases and lawfully collecting evidence, to help the courts and litigating parties conduct legal proceedings, to solve legal disputes and uphold social justice.

(3) Restitution of crime proceeds

The agreement makes provision for mutual assistance across the Strait in recovering and restoring the proceeds of crime, to enable victims to gain compensation or reduce their losses, and to ensure that criminals do not profit from their crimes.

(4) Recognition of judgments

A procedure will be available for courts and tribunals on both sides of the Strait to give recognition to the other side's judgments and arbitral awards in accordance with their respective domestic law and based on the principle of reciprocity. This is aimed at facilitating the subsequent enforcement of judgments.

(5) Human rights protection

Each side will cooperate in protecting the human rights of residents on the other side, and will act to ensure that the rights and freedoms of individuals are protected.

(6) Repatriation and legal assistance

Based on the principles of respect for and protection of the legal rights of residents of each side, each side will cooperate in providing repatriation assistance and legal assistance to residents who have committed crimes on the other side, ensuring that residents are repatriated and cases are handled in accordance with the law.

V. Conclusion

1. Curbing cross-strait crime and maintaining social stability run to

The authorities on both sides of the Strait will continue to cooperate in crime prevention and control, to maintain social stability and ensure the security and peace of the people on both sides. This is aimed at creating a safe and harmonious cross-strait environment in which the people of both sides can live in peace and tranquility.
enforcement and assertion of rights and interests.

(5) Humanitarian visits

Each side will provide facilitation and necessary assistance for visits by family members to people under incarceration, and will act through judicial mutual assistance channels to ensure that the lawful rights of detainees from each other side are protected.

(6) Repatriation of criminals

Based on humanitarian considerations, the two sides will act through judicial mutual assistance channels to establish a repatriation mechanism whereby, under condition of respecting the subject parties' wishes and complying with each side's laws and regulations, people convicted and imprisoned on each other's side of the Strait can be handed over to the authorities on their home side, and follow-up judicial proceedings can be conducted.

V. Conclusion

1. Curbing cross-border crime - cooperating to fight crime and ensure that law-breakers have nowhere to run to

The authorities responsible for public order on the two sides of the Strait will set up a joint crime-fighting mechanism to bolster crime-fighting efforts and ensure that criminals cannot get away. At the same time, we will further integrate cross-strait joint crime-fighting experience into strengthening cooperation with East Asian neighbor countries and international law enforcement institutions to combat such international crimes as fraud, human trafficking, terrorism,
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and economic crime, to build comprehensive crime-
prevention networks, wage an all-out war against crime, and
fulfill the responsibilities of international citizenship to the
best of our abilities.

2. Ensuring the people's rights and interests - providing
judicial mutual assistance to more fully safeguard
rights and interests

When it comes to the legal disputes arising from cross-
strait civilian exchanges and contacts and the handling of
unlawful acts, it is essential that the ensuing judicial
procedures operate normally in order to safeguard the rights
and interests of the parties concerned and uphold social
justice. The two sides of the Strait will establish
comprehensive and consistent mutual assistance mechanisms
for handling criminal proceedings, to help each other at every
stage of law enforcement, from preventing the occurrence of
crime to helping investigate cases, and to providing evidence
for the conviction and sentencing of criminals, with a view to
effectively maintaining social order. And when people get
involved in cross-strait disputes over private rights, the
availability of mutual assistance in document delivery, case
investigation and collection of evidence, and the recognition
and enforcement of judgments, can ensure the smooth
operation of civil litigation procedures on both sides of the
Strait, and can avoid disparities between judgments on the
two sides of the Strait and reduce people's litigation costs. By
as speedily as possible constructing judicial mutual assistance
mechanisms for civil and criminal proceedings, we can
achieve the goal of "putting the people first, and working for
the benefit of the people." That, and that alone, is what

3. Stabilizing cross-strait economic and social

In the future, the Ministry of Economic Affairs, the
Ministry of Finance, the Commerce Ministry, the
Administration of Land, the Judicial Administration
Directorate, the Institute of Economic Research, and the
Ministry of Transportation and Communications, will further
institutionalize and institutionalize and institutionalize the
two sides of the Strait to protect the people's interests, uphold
the two sides of the Strait to protect the people's interests, uphold
and fulfill the responsibilities of international citizenship to the
best of our abilities.
constitutes the true safeguarding of the people's rights and interests.

3. Stabilizing the order of cross-strait contacts - establishing mechanisms to eliminate distress from cross-strait exchanges and contacts

In the future, the Judicial Yuan, the Ministry of Justice, the Ministry of Justice Investigation Bureau, the National Police Agency, the National Immigration Agency, the Coast Guard Administration, the Financial Supervisory Commission, the Directorate General of Customs, and other related law enforcement authorities will make concerted efforts to put the terms of this agreement into concrete effect, based on the institutionalized mutual assistance mechanisms established by the two sides of the Strait, to effectively prevent and reduce harm to people on either side resulting from unlawful acts in cross-strait exchanges and contacts. By providing sound and complete supporting measures to maintain the order of cross-strait contacts, we will progress toward the normalization of those contacts and stride forward into a new era for interaction across the Taiwan Strait.
Explanatory Chart of the Content of the Cross-Strait Agreement on Joint Crime-Fighting and Judicial Mutual Assistance

- **Establishing a platform for exchanging crime information and providing prompt cross-strait notification of law enforcement intelligence, to help curb crime.**
- **Comprehensive cooperation in fighting major crimes and expanding cooperation scope to effectively curb crime.**
- **Cross-strait law enforcement agencies collaborating together, taking action to detect and combat crime to maintain public order.**
- **Mutually assisting the arrest and repatriation of criminals, denying them the chance to flee, and ensuring that they have no place to hide.**
- **Assisting collection of evidence and information, with a view to facilitating judicial proceedings for the prosecution of crime.**

**Fighting crime**

For the public benefit

Judicial mutual assistance

Safeguarding rights and interests

Security of property  Public ease of mind
Explanatory Chart of the Effects of the Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement
Joint Crime-Fighting and Judicial Mutual Assistance

Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance

Handover of criminals
- Humanitarian reciprocity and respect of wishes
- Helping criminals re-enter society after completing judicial process

Humanitarian visits
- Helping protect human rights in accordance with law
- Facilitating visits to alleviate concerns

Recognition of judgments
- Recognition of judgments
- Reciprocal recognition in private rights disputes
- Institutional safeguards for lawful rights and interests

Returning proceeds of crime
- Helping remit back proceeds of crime
- Compensation and restitution for losses

Investigation and collection of evidence
- Helping investigate and legally collect evidence
- Smoothing litigation and resolving disputes

Document delivery
- Timely and valid document delivery
- Safeguarding response to litigation to protect rights and interests

Repatriation
- Mutual assistance to the arrest and repatriation of criminals
- Nowhere to hide and upholding justice

Assisting investigation of crimes
- Taking joint and collaborative action
- Combating crime to maintain public order

Information exchange
- Establishing a platform for exchanging information
- Timely notification for deterring crime

Scope of cooperation
- Comprehensive cooperation in fighting major crimes
- Expanding scope of efficacy in curbing crime

Safeguarding the lives, property and judicial rights of people on the two sides of the Strait

Establishing institutionalized crime-fighting cooperation mechanisms

Promoting the normalization of cross-strait contacts
Cross-Straits 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 Matters

   The Parties agree to hold regular consultations and meetings to exchange views on joint crime-fighting and judicial mutual assistance, and to undertake the following operational matters:

3. Liaison Institutions

   Liaison offices shall be established by the Parties to facilitate the implementation of this agreement. Liaison offices shall be designated by the Straits Exchange Foundation and the Association for Relations Across the Taiwan Strait.

4. Scope of Application

   The Parties agree to cooperate in the prosecution of acts recognized as criminal under the laws of both sides.

   The Parties agree to cooperate in the following areas:

   (1) Serious and serious economic crimes, such as smuggling, counterfeiting, and organized criminal activities.
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.
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(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 there is a vital importance, it may not repatriate the situation.

Without regard to the other Party may not repatriate.

Chapter 5

7. Delivery of Evidence

The Parties agree to exchange rules and regulations to assist each other.

The requested Party shall deliver the evidence document and the written request.

The requested Party shall deliver the result of the investigation. If the evidentiary rule has been achieved, the requested Party shall expropriate.

8. Investigation

The Parties agree to exchange rules and regulations to assist each other in the investigation of crimes and the depression of evidence. If there is any uncertainty, the evidentiary rules and regulations of parties:
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

12. Humanitarian Assistance

The Parties shall provide humanitarian assistance to persons who are in need of help as a result of disaster, non-natural events, or other situations which cause suffering. Visits by the requested Party to the requesting Party shall be subject to the mutual agreement of the Parties.

13. Submission of Documents

The Parties shall submit written documents and information related to the case. These documents and information shall be submitted within thirty days after the receipt of the request.

A request may be made for the return of the document or information in the event that the document or information is needed to continue the investigation or trial. If the request is rejected, the reasons for the rejection shall be stated in writing.

14. Execution of Judgment

The Parties shall execute the judgments of the court. Each Party shall provide the other Party with the information necessary for the other Party to execute the judgment.
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 Assistance

The Parties shall ensure that assistance is given in accordance with the requests of the other Party. Assistance shall be given in a timely manner, and the Parties shall maintain in confidence the nature and purpose of any assistance given.

19. Document Review

The Parties shall review any documents provided by the other Party to ensure that they are relevant and necessary for the purposes specified in the request.

20. Expenses

The Parties shall bear all expenses incurred in providing assistance, including

(1) Authorization and supervision costs

(2) Translation and interpretation costs

(3) Expenses incurred in staying the request

(4) Other costs

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21. Performance

The Party receiving assistance shall perform the assistance as required in the request.
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.
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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
Chairman
Chiang, Pin-Kung

Association for Relations Across the Taiwan Strait
Chairman
Chen, Yunlin

【Note: In case of any discrepancy between the Chinese and English texts, the Chinese text shall govern.】
MEMO
The Third Round of
Chiang-Chen Talks

MEMO

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