

Press Release of the Ministry of Justice

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**Expropriating Illegal Proceeds via Cross-strait Mutual Judicial Assistance - the first case of refunding fraud payments to mainland China victims**

Today (April 25, 2014) is the fifth anniversary of the conclusion of the "Cross-strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement" (hereinafter referred to as the "Agreement"), and there has been a significant development in the aspect of expropriating illegal proceeds. Through the close communication and arrangements between the Ministry of Justice (MOJ) and China Ministry of Public Security (MPS), a total of NTD620,000, in accordance with our proportion of the seized amount, was returned to five Chinese victims who suffered losses from cross-strait scam gangs. Prior to this, Taiwanese victims also suffered losses from cross-strait scam groups, of which, through the communication and cooperation of MOJ and the Supreme People's Court (SPC), 17 Taiwanese victims had received a total of NTD11 million returned money seized by China in June of 2013. Furthermore, in April of this year, a Taiwanese victim received a full refund, retrieving an amount of NTD 40,000 (RMB 8,264).

Following the heavy travel of people on both sides, scam groups, either Taiwanese defrauding mainland Chinese from Taiwan or mainland Chinese scamming people in Taiwan, have emerged. Depending on the situation, some of them were arrested in Taiwan or China. In order to effectively seize criminal proceeds and, thereby to enable the victims on the two sides to recover money, MOJ and MPS has developed intensive talks on issues of illegal proceeds seized and returned of cross-strait crimes since October of last year (2013), and each party has established a "Cross-strait Task Force for Coordinating and Handling Illegal Proceeds." (hereinafter referred to as the "Task Force"). The Task Force fully discussed and consulted on issues of legal systems for seizing and returning illegal proceeds, the communication and coordination mechanism of transferring cross-strait illegal proceeds and implementation methods of mutual assistance. In the meantime, both sides have reached a consensus on the ways of investigation, the designs of forms, the related procedures and practical measures. This February and March, in order to return the illegal proceeds to mainland Chinese victims, Taiwan Changhua District Prosecutors

Office (CDPO) and Taichung District Prosecutors Office (TDPO) respectively requested MPS to provide each victim's personal information through MOJ as well as transferred prosecutors' seizure orders and relevant documents to the said mainland Chinese victims. MOJ, upon receipt of the reply from MPS concerning their completion of service of documents and relevant procedures, immediately forwarded such messages to each related prosecutors office of the district court. CDPO and TDPO then remitted a total of NTD620,000 to mainland Chinese victims according to the proportion of fraud amount on April 23 and 24.

In addition, a scam cartel organized by people of both sides was also seized in 2011. This scam group utilized mainland Chinese females to call Taiwanese male victims by internet phone, pretending that they were single ladies to obtain the trust of victims and then started developing relationships with the victims, and delivered the victims' personal information to Taiwanese principal to defraud money from the victims through other ways. In November, 2011, the said scam cartel defrauded one Taiwanese victim of NTD40,000 (approximately RMB 8,264). The defendant was determined by the Intermediate People's Court of Zhangzhou City, Fujian Province of China which decided that the defendant shall fully compensate the Taiwanese victim for the amount of the fraud. In the meantime, SPC, pursuant to Article 7 Delivery of Document, Article 8 Investigation and Collection of Evidence and Article 9 Returning the Proceeds of Crime stipulated in the Agreement, formally requested MOJ to assist in the delivery of judgment and investigation of relevant information of the victim and his will of receipt of the compensation in this March. Later, mainland China remitted RMB 8,264 to the Taiwanese victim on April 3 of this year.

Five years have passed since the conclusion of the Agreement which includes the "Judicial Mutual Assistance," "Police Cooperation," "Humanitarian Visits," "Operational Contacts" and other matters. By the end of March, 2014, there were 49,841 cases of assorted requests and notifications mutually proposed by both sides, of which 43,169 cases were mutually completed, with an average completion of mutual legal assistance cases up to 731 per month. In the future, MOJ will still adhere to the liaison body of this Agreement to continue the implementation of related matters specified in the Agreement, expand exchanges and cooperation, and deepen mutual legal assistance in order to protect the public interest.