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# **Frequently Asked Questions (FAQ)**

**Regarding Petitions to the Ministry of Justice**



Ministry of Justice

# Frequently Asked Questions (FAQ) Regarding Petitions to the Ministry of Justice

## Question 1:

A petitioner is dissatisfied with a prosecutor' s non-prosecution disposition, believing the prosecutor handled the case unfairly, and has submitted a petition to the Ministry of Justice.

## Answer:

1. If the statutory period for remedy has not yet expired, pursuant to Article 256, Paragraph 1 of the Code of Criminal Procedure, a complainant who has received a non-prosecution or deferred prosecution disposition may, within ten days, submit a written statement detailing the reasons for dissatisfaction. This statement should be submitted via the original prosecutor to file for reconsideration with the Chief Prosecutor of the directly superior Prosecutors Office or with the Prosecutor General.
2. If the statutory period for reconsideration has lapsed, the petitioner will be advised to prepare a written petition, which will be received by our Ministry and subsequently forwarded to the competent authority for further processing.

## Question 2:

A petitioner submits a petition to the Ministry of Justice based on documents issued by other government agencies.

## Answer:

1. The petitioner shall be advised to submit the petition directly to the original agency responsible for the disposition.
2. If the petitioner insists on submitting the petition to our Ministry, the petitioner will be instructed to prepare a written petition, which will be received by our Ministry and subsequently forwarded to the competent authority for further processing.

**Question 3:**

If I suspect that I am being subjected to wiretapping or surveillance, may I report this to the Ministry of Justice?

**Answer:**

Thank you for bringing this matter to our attention. According to the relevant laws of Taiwan, if an investigative authority conducts wiretapping as a compulsory measure, it must obtain a communications surveillance warrant issued by a court, and such measures are limited to specific major criminal cases. Without due legal process, no individual may arbitrarily conduct wiretapping against others; otherwise, such acts are unlawful. If you possess concrete evidence indicating that you have been unlawfully subjected to wiretapping, we advise you to file a report or lodge a complaint with the police or a prosecutor's office to initiate a judicial investigation. Should you believe that a public official is involved in illegal surveillance activities, you may also submit a petition or a report to our Ministry, and the Ministry of Justice will carefully handle the matter in accordance with the relevant legal authority.

#### Question 4:

I feel that one of my rights, such as the right to housing (an economic, social, and cultural right) or freedom of speech (a civil and political right), has been violated by the government. What should I do? Can the Ministry of Justice, as the competent authority for promoting the two covenants, directly provide assistance?

#### Answer:

1. Our Ministry understands your concerns, and we suggest the following steps:

(1) Clarify Facts and Basis: Please specifically describe which agency, when, and what administrative disposition you believe infringed upon the rights protected by the two covenants.

(2) File a Petition or Complaint:

① You may first submit a petition or complaint to the administrative agency that issued the disposition or took the action, requesting clarification, correction, or revocation.

② If your petition involves our Ministry or its subordinate agencies (e.g., prosecutorial agencies, correctional agencies, administrative enforcement agencies, etc.), you may submit the petition to our Ministry or the relevant subordinate agency. Our Ministry will investigate or handle it according to our authority.

③ If it pertains to the authority of other ministries or agencies, we will forward your petition to that competent authority for handling.

(3) Initiate Administrative Remedies: As previously stated, if an administrative disposition is involved, you should file an administrative appeal within the statutory period. If you are dissatisfied with the administrative appeal decision, you may file an administrative lawsuit with the administrative court.

(4) Seek Judicial Remedies: If civil or criminal issues are involved, the matter should be handled through civil or criminal litigation procedures.

2. The role of our Ministry as the competent authority for the two covenants is primarily to promote the implementation of the human rights protection spirit across all ministries and agencies. This includes reviewing relevant

regulations to ensure they align with the covenants' intent and promoting human rights education and advocacy. However, our Ministry cannot supersede the judicial authority of the courts, nor can we directly revoke administrative dispositions made by other agencies. Nevertheless, we will diligently process petitions that fall within our purview and require our subordinate agencies to provide explanations or review and improve their practices. If the matter involves the authority of other agencies, we will forward your petition to that agency for handling.

**Question 5:**

I am a victim of a political case during the authoritarian rule period and wish to apply for redress of judicial and administrative injustices. How do I proceed?

**Answer:**

Pursuant to the relevant provisions of the Act on Promoting Transitional Justice, you may download the application form from the Transitional Justice section of our Ministry's website. After completing the form, please submit it to our Ministry's mailroom. Upon receipt, our Ministry will open a case, conduct an investigation, and submit it to the review committee for deliberation. The disposition result will be delivered in writing to your designated address.

**Question 6:**

I have submitted evidence of illegal conduct to the prosecutor, but the prosecutor has yet to hold a hearing. How can I obtain information about the progress of the case?

**Answer:**

According to the Organization Act of the Ministry of Justice, our Ministry is primarily responsible for matters related to legal administration and does not intervene in the handling of individual litigation cases. For inquiries regarding the handling and progress of a specific case by a prosecutor, please contact the relevant prosecutor's office directly.

**Question 7:**

How can I apply to the Ministry of Justice for government information?

**Answer:**

Pursuant to Articles 9 and 10 of the Freedom of Government Information Act, individuals wishing to apply for government information created or acquired within our Ministry's scope of authority may complete an application form with all required details and submit it to our Ministry. The format for the government information application form is available for download by the public on our Ministry's global information website under "Information Disclosure / Government Information Disclosure Services / Application Regulations and Form Download."

**Question 8:**

To which authority should I submit a claim for state compensation?

**Answer:**

If the damage was caused by a public official exercising public authority or by the public official's failure to perform their duties, the claim for state compensation should be submitted to the agency where the public official is employed. If the damage was caused by the improper installation or management of a public facility and resulted in harm to life, body, personal freedom, or property, the claim should be submitted to the agency responsible for the installation or management of that public facility. The Ministry of Justice serves as the competent authority for the State Compensation Law; however, not every claim for state compensation nationwide should be filed with our Ministry. In cases where the agency employing the public official, or the agency responsible for the public facility, has been abolished or reorganized, the claim should be submitted to the agency that has succeeded to its functions.

**Question 9:**

If I have comments or concerns regarding a case under investigation, how can I seek remedies?

**Answer:**

According to the Organization Act of the Ministry of Justice, our Ministry is responsible for legal administrative affairs and does not intervene in the handling of individual litigation cases. While our Ministry exercises administrative supervision over subordinate prosecutorial agencies, it is prohibited from issuing any specific instructions regarding individual cases. In accordance with the Code of Criminal Procedure, determinations as to whether a defendant is suspected of committing a crime, whether an indictment should be filed, or whether a specific sentence should be sought upon prosecution are matters for the prosecutor to decide based on the evidence collected during the investigation; these decisions do not fall within the authority of our Ministry. If you wish to provide evidence or express opinions regarding an ongoing investigation, you may submit such information directly to the competent prosecutor's office for its consideration.

**Question 10:**

If I have comments or concerns regarding a case under trial, how can I seek remedies?

**Answer:**

Courts at all levels are subordinate to the Judicial Yuan. According to the Organization Act of the Ministry of Justice, our Ministry is responsible for legal administrative affairs and does not intervene in the handling of individual litigation cases. If the case you are concerned about has already been prosecuted by a district prosecutor's office and is currently under trial, please present your comments or concerns to the district court handling the case. Only through such channels can your concerns be duly considered by the court.

**Question 11:**

How can I apply to inspect, review, transcribe, or duplicate your agency's archives?

**Answer:**

1. To search for agency archives, please first use the "Agency Archive Catalog Search Website" maintained by the National Development Council's Archives Administration to locate the file name and file number.
2. Complete the "Ministry of Justice Archive Access Application Form," which can be downloaded from the Ministry's Online Public Service System.
3. Submit the completed application form to the Ministry's mailroom on the first floor or send it by post to the Ministry of Justice (Address: No. 130, Sec. 1, Chongqing S. Rd., Zhongzheng Dist., Taipei City 100204, Taiwan (R.O.C.)) for official processing.
4. Our Ministry will notify you of the review decision in writing within 30 days of receipt (if supplemental documents are required, the 30-day period shall commence from the date of supplementation). Upon receiving the review notice, please pay the applicable fees in accordance with the "Fee Standards for Archive Access, Transcription, and Duplication," after which the Ministry will issue a receipt and provide access based on the approved items.



**Question 12:**

I have submitted multiple petitions to your Ministry regarding my case but have not received any response. How can I inquire about the progress of my previous petitions?

**Answer:**

1. If you have submitted a petition with your contact information properly indicated and it was officially received by our Ministry, you should receive a formal written reply from us. Please note that official correspondence and handling procedures involve specific processes and timeframes, so we kindly ask for your patience. If you have additional matters you wish to petition, please prepare and submit the necessary written materials in accordance with the relevant regulations for our Ministry' s further processing.
2. Regarding the progress of your case, you may first request assistance from the personnel in charge of the general mail reception at our Ministry' s mailroom. If no record is found, we kindly ask that you wait a few more days. Once the responsible division processes your petition, a response will be provided to you either via email or in writing.

**Question 13:**

During the investigative hearing, the prosecutor did not give credence to evidence favorable to me.

**Answer:**

If you believe that the prosecutor may have handled the case with potential bias, you may submit specific evidence and apply for the recusal of that prosecutor.

**Question 14:**

If I have been sexually harassed, to whom should I file a complaint?

**Answer:**

1. If the incident constitutes sexual harassment in the workplace (i.e., harassment occurring during the execution of duties), it falls under the Gender Equality in Employment Act. You should file a sexual harassment complaint with your employer. Should the alleged perpetrator be the highest-ranking officer or the employer, you may directly file a complaint with the local competent authority. Furthermore, in cases where public servants, educational personnel, or military personnel are subjected to harassment, and the perpetrator holds a position such as head of an agency, principal of a school, commanding officer at the colonel rank or above in military agencies/units/forces, chairman of an administrative corporation, chairman of a public enterprise, or an equivalent position, the complaint should be filed with the superior agency, the competent authority, or the supervisory agency.
2. If the harassment does not occur in a workplace context, the Sexual Harassment Prevention Act applies. Complaints should be filed with the government agency, military unit, or school to which the alleged perpetrator belongs at the time of the complaint. If the perpetrator is the head of a government agency, a commanding officer of a military unit at the colonel rank or above, a school principal, the highest-ranking officer of an institution, or an employer, the complaint should be submitted to the competent authority of the municipality or county (city) where the agency, unit, school, institution, or employer is located.

**Question 15:**

If I have been subjected to workplace bullying, how can I file a complaint?

**Answer:**

If personnel of our Ministry and its subordinate agencies experience workplace bullying, the victim of the workplace bullying incident or their appointed agent may file a complaint with the agency to which the alleged perpetrator belongs. If the individual is not personnel of our Ministry or its subordinate agencies and is a laborer, they may file a complaint with their employer, the competent authority, or a labor inspection agency in accordance with the Occupational Safety and Health Act.

**Question 16:**

I would like to file a complaint or accusation against a prosecutor handling a specific case.

**Answer:**

If you believe that a prosecutor engaged in "illegal conduct or dereliction of duty" while handling your case, you may either personally or through an attorney submit a request for evaluation directly to the "Prosecutor Evaluation Committee."

**Question 17:**

I am dissatisfied with the result of my (previous) petition. How can I obtain the contact information of the personnel who handled my (previous) petition?

**Answer:**

We sincerely apologize for making you feel this way. As the personnel responsible for receiving petitions at our Ministry are assigned on a rotational basis each day, we are unable to provide individual contact information. If you are dissatisfied with the conduct of myself or the personnel who handled your previous petition, you may submit a written complaint, which will be reviewed and considered by other personnel at our Ministry.

**Question 18:**

If I believe there is judicial injustice and collusion among officials, and my case cannot be resolved through normal judicial channels, can I meet with the Minister to explain my situation directly?

**Answer:**

Prosecutors in conducting investigations and judges in adjudicating cases exercise their powers independently under the protection of the Constitution. Civil servants are required to perform their respective duties in accordance with the division of responsibilities, and the Minister cannot interfere in individual cases. Additionally, due to the Minister's busy official schedule, it is not possible to arrange personal meetings. Therefore, our Ministry has established a Petition and Plea Handling Team. If you have any comments or concerns, you may present them directly to the duty petition officer on the day of your visit. Alternatively, you may leave a message through the "Minister's Mailbox" on our Ministry's official website, or document your concerns in writing and send a letter along with relevant documents to our Ministry by post. We will ensure that your written petition is forwarded to the competent authority for appropriate handling.

**Question 19:**

I was bullied by an inmate or a staff member in prison. How can I seek remedies?

**Answer:**

If an inmate experiences bullying, the following remedies can be pursued:

1. The inmate can report the bullying incident to the cell supervisor or correctional and guidance personnel, or file a written complaint detailing the incident and involved parties.
2. Submit a complaint to the external inspection mailbox.
3. Seek psychological counseling and guidance services from a psychologist or social worker to cope with the psychological stress caused by the bullying.

**Question 20:**

I would like to inquire about my family member's previous application for parole, which has not been granted despite their good conduct in prison. Can a senior official assist my family member in applying for parole? Furthermore, if I believe the agency's decision is unfair or potentially unlawful, how can I seek remedies?

**Answer:**

Regarding the method of reporting for parole, all inmates in correctional facilities who meet the eligibility criteria for parole reporting will have their information submitted to the Agency of Corrections for review after a decision by the Parole Review Board, and there is no provision for a senior official to assist in the reporting process as you mentioned. Furthermore, if an inmate believes that an agency's decision is potentially unlawful, according to Article 93, Paragraph 1, Subparagraph 1 of the Prison Act, an inmate may file a written or oral complaint with the prison if they are dissatisfied with a disposition or management measure taken by the prison that affects their personal rights.