

Date:

To: Ministry of Justice of the Republic of China (Taiwan)

**REQUEST FOR MUTUAL LEGAL ASSISTANCE
IN A CRIMINAL MATTER¹**

Reference No.:

The undersigned, on behalf of the ○○○ (Requesting Party), respectfully requests mutual legal assistance of ROC (Taiwan) in a criminal matter as stated below.

Nature and Purpose of the Request

The purpose of this request is to seek the assistance of the appropriate authorities in ROC (Taiwan) to *(state purpose intended to be achieved, e.g. give effect to a final and non-appealable forfeiture judgement, to request the repatriation).*

Assistance Requested

The Government of ROC (Taiwan) is requested to take such steps as are necessary for the enforcement of a *(describe the order)* issued by *[relevant Court of the Requesting Party]* against *[specify the property]* which is reasonably believed to be in ROC (Taiwan). *[Any requests for asset sharing may also be included here.]*

- [1. The original order, or a duly authenticated copy thereof, should be enclosed.*
- 2. A (describe the judgement or order) is final and irrevocable.*

¹ The Letter of Request shall be written in Traditional Chinese. If the Letter of Request is not prepared in Traditional Chinese, it shall accompanied with a Chinese translation that carries identical contents with the original.

3. *That the wrongdoings involved do constitute an offense under the laws of the Requesting Party and that the statutory enforcement period for confiscation and proceeds value collection have not expired.*
4. *The court of the Requesting Party has jurisdiction over the matter.*
5. *The scope and location of the assets or the value of proceeds subject to enforcement.*
6. *The name, date of birth, domicile, or residency of the third party who claimed rights over the assets subject to enforcement.]*

Procedure to be followed

It is requested that the following procedures be observed in the execution of the request:

[State details of manner in which restraint or enforcement should be carried out, if relevant.]

Period of Execution

It is requested that the request be executed within _____ *(state the dates and reasons relevant to the request e.g. court dates if necessary; if not, delete it).*

Summary of Pertinent Facts

(Please describe the material facts of the ancillary criminal matter including, in particular, those necessary to establish circumstances in the Requesting Party connected to the foreign confiscation order that has been / is to be made.)

[(Provide details of the property in Taiwan against which restraint / enforcement is sought and how such property is linked to the foreign

offence (e.g. being payments or other rewards received in connection with the offence or whether the property was derived or realised from payments or other rewards received in connection with the offence)]

Applicable Laws

(State below the law or attach a copy of this law that makes the behavior mentioned above a criminal matter, e.g. Article 339 of the Criminal Code)

(State also the legal provisions pursuant to which the foreign confiscation order was / is intended to be made, as the case may be.)

Confidentiality

Please keep this request confidential in all respects, and do not share its contents or its subject matter with the subjects of the investigation. Further, please advise all those who must be made aware of this request for assistance for purposes of its execution that the contents and subject matter are to be kept confidential and should not be shared with the subjects of the investigation.

Liaison Officer

Name:

Title:

Tel:

Fax:

Email:

Reciprocity

We (the reciprocity should be assured by central authorities or competent authorities of the Requesting Party) assure the ROC (Taiwan) authorities that the government of ○○○ would, to the fullest extent permitted by ○○○ law, comply with a similar request made to it by the ROC (Taiwan) authorities.

Assurances & Undertakings

It is confirmed that:

1. The evidence obtained pursuant to this request will be used only for the purpose of, or in connection with, the criminal prosecution to which this request relates, except with the consent of the Government of ROC (Taiwan);
2. This request:
 - 2.1 does not relate to an offence of a political character;
 - 2.2 is not made for the purposes of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, religion, sex, ethnic origin, nationality or political opinions; and
 - 2.3 does not relate to the investigation, prosecution or punishment of a person for an offense in a case where the person has been convicted, acquitted or pardoned by a competent court or other authority of ○○○ or has undergone the punishment provided by the laws of ○○○, in respect of that offense or of another offense constituted by the same act or omission as that offense.

Contact Details

Attachment

(If the order or the attachment is not in Traditional Chinese, MOJ may at its discretion consent to accept attachments without Chinese translation or translated in other languages)

Sincerely yours,

○○○ (Name)

(Title)

(Time)

CERTIFICATE IN RELATION TO PROCEEDINGS AND ORDERS
IN THE [REQUESTING PARTY]

I, (*name & designation*), on behalf of the (*name of Central Authority*)
confirm that:

(a) a (*describe the judgement or order*) is in force and is not subject to
appeal.

(b) where a third party's rights are involved in the (*describe the judgement
or order*) , the said party has been given sufficient opportunity to claim
such rights.

(c) the aforesaid (*describe the judgement or order*) is duly rendered by an
independent and impartial court of the Requesting Party following
lawful procedure.

[*Signature and / or seal*]

[*Name*]

[*Designation*]

[*Office*]

[*Date*]