

Chapter 7 National Security Crimes Supervision Center



I. Supervision mechanism

- (I) The supervision units holds biannual meetings of the supervision meeting.
- (II) To streamline prosecutors and judges appreciation of the status and modalities of the Chinese communists' infiltration and influence on Taiwan's national security and social order, while ensuring appropriate investigation of cases, enhancing initiation of criminal lawsuits and securing proper sentencing, in May 2018, this Office and the National Security Bureau held a National Security Case Investigation Practicum Workshop, with invitations to the Taiwan High Court Chief Judge Yang, Li-Ching who had previously handled adjudication of national security cases to teach on Critical Review and the Future of National Security Intelligence Supervision Status.

II. Review mechanism

(I) Purpose of establishment

To ensure the national security, this Office established its national security case analysis mechanism which began operations from February 5, 2021, by collection, collation, study, review, analysis, and big data analytics for national security case information, for planning investigations in national security cases and incrementally creating a national security database.



(II) Collection and review

Every quarter, Prosecutors' Offices of the first and second instance report their national security cases (including those referred by agencies and those proffered by prosecutors sua sponte) as classified pursuant to the six key national security acts, according to their final dispositional status documentation as non-prosecution (nolle prosequi), deferred prosecution or closed cases.

Once this Office receives the documentation, it is reviewed by the first prosecutor according to the Investigation of Major Cases Adversely Affecting the National Security and Social Order Supervision Team, then by the assigned Secretary, and after the completion of the review opinions on the national security case analysis forms, submitted to the Chief Prosecutor for final review. The Chief Prosecutor (or delegated Head Prosecutor) then determines whether to conduct a reconsideration meeting of the National Security Cases Review Unit.

(III) Data use and collation

This Office's Documentation Section handles on a quarterly basis the latest national security case final disposition documentation materials from the Prosecutors' Offices of the first and second instance with full scanning of the complete dossier, and creation of electronic records burned into CD-ROMs for provision to the assigned Secretary. The file creation is in accord with the most current provisions of the file management regulations.

The assigned Secretary selects the most relevant cases for reportage, and submits them for evaluation at a meeting by this Office's Investigation of Major Cases Adversely Affecting the National Security and Social Order Supervision Team.

(IV) Implementation status

In the first quarter of 2021, there were a total of 9 national security cases submitted for review (see attached Appendix for the collated table for the first quarter of 2021 referral of national security cases from the Prosecutors' Offices of the first and second instance), which are currently under review by this Office's prosecutors. (Written by Prosecutor Hsiao,Fang-Chou)

Taiwan High Prosecutors' Office National Security Case Review mechanism and National Security Crimes Review Unit operational procedures flowchart

(Implemented from February 5, 2021)

Prosecutors' Offices of the second instance dispositions of national security cases by non-prosecution (nolle prosecui), deferred prosecution, and closed case determination

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Prosecutors' Offices pf the first and second instance provide quarterly reporting of national security cases dispositional documentation analysis tables to this Office

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Cases designated for miscellaneous prosecutorial investigation are assigned to prosecutors initial review for the Investigation of Major Cases Adversely Affecting the National Security and Social Order Supervision Team (pursuant to Appendix 1 form for completing evaluation opinions)

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The initial prosecutorial review then informs the assigned Secretary for the Investigation of Major Cases Adversely Affecting the National Security and Social Order Supervision Team to consider re-evaluation (pursuant to Appendix 1 form for reconsideration opinions)

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- The prosecutor of the first instance reports to their superior for review and approval, and after the Chief Prosecutor accedes, the case can be closed.
- If the Chief Prosecutor deems it appropriate he can refer the matter for a determination by the National Security Crimes Review Unit meeting.

Not referred to the Review Unit for

Referred to the National Security Crimes Review Unit for consideration

Meeting participants

- 1. Convenor (the Chief Prosecutor or a Chief Prosecutor delegated by the Chief Prosecutor)
- Our Office's Major Cases Adversely Affecting the National Security and Social Order Supervision Team Chief Prosecutor or prosecutor
- On a quarterly basis, the Documentation Section staff scan and create electronic records for national security case monographs and documentation reported from Prosecutors' Offices of the first and second instance, then burn the files into CD-ROMs for the Executive Secretary.
- 2. Files of the information are then created according to current file and dossier management regulations.

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After the Executive Secretary selects cases for reporting as approved with significant reference value, they are submitted for discussion and consideration by our Office's Major Cases Adversely Affecting the National Security and Social Order Supervision Team

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We thus incrementally establish the National Security Case Database