

In order to advance the investigation of election bribery during the 7<sup>th</sup> legislator election and the 12<sup>th</sup> presidential election, the Supreme Prosecutors' Office held on 10 September 2007, at 9:30 am, the National Prosecutor Office, Police and Investigation Bureau Government Ethics Officers Seminar on Election Bribery at the main all of the Central Police Administration, Ministry of the Interior. The seminar was hosted by Prosecutor General Chen Tsung-Ming. Premier Chang, Interior Minister Lee and Justice Minister Shih delivered speeches at the seminar to encourage prosecutors, police officers and MOJIB agents to reinforce mutual understanding, to unite the power of the government ethics units of these agencies, and to display a refreshing act on election bribery investigation in order to purify elections. Participants included the chief prosecutors of the district and high prosecutors' offices, CPA Director Hou Yu-Yi, director of the Department of Government Ethics of MOJ and government ethics directors, chiefs of local governments, and nearly 130 persons. Secretary-General Deng of the Central Election Commission was invited to attend the seminar and to give relevant instructions. Almost all directors of the prosecutors' offices, police, investigation bureau, and government ethics units in Taiwan participated in the seminar to discuss policies for election bribery investigation to display the government's concern and determination to investigate election bribery during the 7<sup>th</sup> legislator election and the 12<sup>th</sup> presidential election held in the beginning of 2008.

Premier Chang indicated in his speech that the "Single-Member District and Two-Vote System" was implemented for the first time in the 7<sup>th</sup> legislator election. As the constituencies were re-allocated, this would bring a critical change to Taiwan's political structure. Furthermore, as the number of seats in the legislature would be reduced by a half in the future, the power of legislators would be doubled. This suggested that the legislator's influence on the direction of national policies and on the quality of legislation would be even deeper and broader. If we fail, heads of mobs will be elected to be opinion representatives checking the operation of government agencies. This is not only the cruel side of political reality, but also an irony of democracy. Therefore, Premier Chang emphasized two points at the seminar and asked the full cooperation of colleagues from different agencies.

**1. Strictly follow the proper legal procedure and maintain neutrality of administration**

Colleagues should strictly follow relevant laws and regulations, maintain procedural justice when investigating election bribery, hold no bias between colors but the right and wrong, ensure the neutrality of administration, behave prudently in investigation, and observe the non-disclosure principle in order to eliminate election bribery so as to win the trust of the people and society.

## **2. Ensure that those offering bribes fail**

To ensure that those offering bribes fail is the most important thing of election bribery investigation. Therefore, we must endeavor to investigate and press charges against those who offer bribes. If mob heads and people offering bribes are elected, it will be difficult for the public to believe in a clean election.

Premier Chang emphasized the government's determination to "fight election bribery and stop violence". In order to reinforce and expand the scope of fighting election bribery, the prosecutors' office, investigation bureau and police should act at full-steam to eliminate election bribery in order to create a clean election environment.

Interior Minister Lee also indicated at the seminar that the CPA would continue the *rich reward-severe penalty* policy as in the **Operation Heads Off** in the legislator and presidential elections held in early next year. In terms of reward, the maximum reward will be raised from 2 great merits to 4 times the previous election. In terms of penalty, the chief of the precinct and local police bureaus will be demoted from the executive post when there are critical election bribery cases detected by other investigation units. This way, we can encourage and warn at the same time the police to investigate election bribery cases with the determination of "breaking the pot and sinking the ship, fighting with one's back to the river", i.e. the determination to win or die. The work of police will also change from the passive information collection to aggressive investigation, revoking the original "information collector" role and increasing the duty on "bribery investigation". Interior Minister Lee also instructed the CPA to request CPA units to **lock on candidates with black money backgrounds and bribery history for full-scale information collection and surveillance** in order to uncover candidates who ruin the democratic development of Taiwan with election bribery and so to return a clean election space for the public.

At the seminar, Justice Minister Shih introduced **5 new thoughts on bribery investigation: innovation, deep into the public, total suppression, data management and perform the assigned duties conscientiously**. That is to say, **innovations** should be made to the attitude, technique and strategy for law enforcement; authorities should go **deep into the public** in encouraging the report of election bribery, deploying mines, and striving for supportive resources and should also prepare and carry out **total suppression; data management** should be used to check and audit performance to enhance work efficiency; and ministers and heads of the prosecutors' office, police and investigation bureau should **perform the assigned duties conscientiously** in order to set an example, to display determination and to boost morale.

Justice Minister Shih also proposed 5 principles for bribery investigation as a reference for the prosecutors' office, police and investigation bureau:

- 1. Ministers should display courage and sense of responsibility, boost morale and investigate bribery with sensational methods in order to frighten candidates not to offer bribes.**
- 2. To reinforce mine deployment, expand information sources and validate the effectiveness of information.**
- 3. To lock on candidates with black money background, or candidates who are likely to offer bribes; or candidates who are at risk of losing. Only excellent results are convincing. Ministers should well grasp the bribery investigation condition of their jurisdiction and enhance concrete performance.**
- 4. Investigations should be fair and neutral; biased or one-sided investigations should be avoided in order to avoid public comment, to maintain the due process, and to break the localization burden of colleagues. These may result in erroneous judgment and being used by others. Cash bribes should be the focus of investigation.**

In order to review the defects in past election bribery investigations and to improve the investigation techniques, a briefing on the Anti Election Bribery and Bribery Investigation Outlines by Director Chiang Hui-min of the Department of Prosecution, MOJ, the representatives with practical experience in election bribery investigation from the prosecutors' office, police and investigation bureau shared their experience and techniques at the seminar in terms of keynote reports:

1. "Skills and Strategies in Bribery Investigation" by Head District Prosecutor Tseng chao kai, Tainan District Prosecutors' Office;
2. "Review on Election Bribery Investigation over the Years and Improvement" by Commissioner Tai Tien-yueu, Yuenlin County Police Bureau.
3. "Status Report on Election Bribery Investigation for the 12<sup>th</sup> Presidential Election and the 7<sup>th</sup> Legislator Election" by Chief Yao Ching-san, Changhua Investigation Station.
4. "Concrete Actions for Election Bribery Investigation for the 12<sup>th</sup> Presidential Election and the 7<sup>th</sup> Legislator Election", Director Ko Ching-nan, Central Taiwan Office, MOJ.

These reports have rich and practical content and are very helpful to improve investigation skills, bribery investigation efficiency and cross-agency cooperation of government ethics personnel of the prosecutors' office, police and investigation bureau.

At the conclusion of the seminar, Prosecutor General Chen instructed government ethics units of the prosecutors' office, police and investigation bureau to follow the instructions below to investigate election bribery.

1. To pay attention to the legitimacy of procedure to avoid public censure and improper distortion.
2. To focus on cash bribery because it is the key to determine an election bribery case. To lock on candidates who are very likely to offer bribe and to reinforce information collection and surveillance in areas with a history of severe election bribery.
3. To validate the value of information collected, i.e. it must be in “future” or “present continuous” tenses. If the information is in “past tense”, it is worthless.
4. To reinforce information collection and surveillance in areas with a strong kinsmen tie and high possibility of *supporter wage* (monetary reward given to voters under-the-table for attending any campaign activity organized by a candidate as a sign of support) and in areas where election bribery is relatively effective.
5. To specify the information sources when applying for an investigation command permission to facilitate the prosecutor to make correct judgment in order to avoid scheme in vain.
6. To reinforce mine deployment to enhance the effectiveness of evidence collection.
7. To aggressively check the fund sources and channels of candidates.
8. To aggressive investigate the solid “placement marketing” activities for particular candidates organized by township offices.
9. District prosecutors should ask for permission from the superior to determine if it is necessary to request police and MOJIB support at the district prosecutors’ office.
10. To provide quick and appropriate responses to untrue comments from the public to prevent the continual spread of improper speeches.

Lastly, Prosecutor General Chen encouraged government ethics units of the prosecutors’ office, police and investigation bureau to maintain neutrality while carrying out their duties in election bribery investigation during the 7<sup>th</sup> legislator and the 12<sup>th</sup> presidential elections. He emphasized that investigations should have no bias on political party and social status but eliminate bribery and maintain justice, so that those offering bribes cannot escape punishment.

Supreme Prosecutors’ Office