



Supreme Prosecutors Office News Release

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With regards to the controversy of whether a professor of a national university would possess the status of an authorized public servant under the Criminal Code when handling matters relating to procurements, the Supreme Prosecutors Office announces as follows:

In the recent Criminal Judgment Tai-Shang-Zi No. 1448 of 2013 of the Supreme Court regarding corruption by the defendant Lin Chao-Jen, the Supreme Court has held that a professor of a national university does not possess the status of an “authorized public servant” under the Criminal Code when handling matters relating to procurements. This holding is clearly inconsistent with earlier criminal judgments Tai-Shang-Zi No. 4328 of 2009, Tai-Shang-Zi No. 8093 of 2010, and Tai-Shang-Zi No. 459 of 2011 of the Supreme Court. As many similar cases are currently pending investigation or adjudication, the Supreme Prosecutors Office believes, following serious consideration, that it is necessary to apply to the Supreme Court for a unified opinion on this disputed issue. Our Office has therefore issued Letter Tai-Wen-Zi No. 10212001430 to the Ministry of Justice today, recommending that said Ministry officially requests the Judicial Yuan to urge the Supreme Court for a unified opinion on adjudication of similar cases for general application.