

## Supreme Prosecutors Office News Release



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### **The Supreme Prosecutors Office Hosted a “Conference of Senior Prosecutorial, Police, Investigative and Governmental Ethics Chiefs on Investigations Relating to the 2014 Local Public Officials Elections”**

In order to further strengthen the investigative work related to the 2014 local public official elections, the Supreme Prosecutors Office (SPO) held a “Conference of Senior Prosecutorial, Police, Investigative and Governmental Chiefs on Investigations Relating to the 2014 Local Public Officials Elections” at 9:00am on July 11, 2014 at the hall of the National Police Agency of the Ministry of the Interior. The Conference participants included the chiefs of all prosecutorial, police, investigative and governmental ethics authorities, who met to jointly discuss strategies for investigation and prosecution of election bribery. Prosecutor-General Yen Da-Ho chaired the Conference, Premier Chiang of the Executive Yuan, Interior Minister Chen of the Interior, Chairperson Chang of the Central Election Commission, and Justice Minister Lo addressed the assembly. They called upon all prosecutorial, police, investigative, and governmental ethics personnel to take proactive measures to prevent interference from bribery and violence so that Taiwan could have clean elections.

In his speech, Premier Chiang particularly highlighted the importance of elections to the development of Taiwan's democracy; any person who is to govern and lead the country, or to represent the people in questioning the conduct of government leaders, must be elected by the people in order to be truly considered to represent them. Even if some may feel disappointed or frustrated by the possible negative life experiences that might come from the election process, these must not be allowed to affect our determination to implement democracy by general elections. Under the amendments to the Local Government Act, all elections are now categorized as either central or local. This can be expected to dramatically reduce inconvenience to the general public, the social unrest and opposition engendered in the people, and also the hindrance to government administrative work that results from too frequent annual elections.

In particular, Premier Chiang reminds us that bribery and violence have been two negative factors that Taiwan has not yet been able to completely shake off in its history of elections and democratic development. He expects that the authorities will make their best effort to root out these two factors, since it is foreseeable that any governmental chief or people's representative elected by corruption will undoubtedly seek to recover the funds and costs expended in election bribery by subsequent abuse of power, which would have a deep and negative impact upon the quality of Taiwan's democratic politics. Premier Chiang urged all concerned authorities to enforce the law with impartiality, irrespective of party or social status – any illegal conduct must be strictly investigated and prosecuted. The law enforcement process must be truly fair and impartial, and must not give rise to any suspicion in the people's minds that there has been “selective investigation or prosecution”.

Interior Minister Chen pointed out in his speech that the 9 elections being jointly held this year will involve more than 20,000 candidates. At the county level alone, each voter would have 5 votes. This means not only is the election administrative work extremely complicated, the investigative process would also require mobilization of an unprecedented large number of personnel. In the past, such elections have been fraught with gambling, violence, threats, bribery and protest rallies. Recently, protest rallies have been organized and mobilized via social media such as Facebook, which poses great challenges to the prevention of disorderly behavior. Minister Chen hopes that police staff will cooperate fully with investigative, prosecutorial and governmental ethics authorities and work as a team, to ensure proper law and order during the election period.

In her speech, Chairperson Chang of the Central Election Commission indicated that the elections this year will involve more than 14,000 voting stations and more than 200,000 election officers. She hopes all the authorities will work with the Commission to jointly ensure that the elections are fair. Chairperson Chang also pointed out that the Presidential, Vice-presidential and legislative member elections of 2012 had left an excellent impression of Taiwan's democracy on all observers, especially those from other countries. She hopes that the 9 combined elections on November 29 this year will also conclude smoothly, with joint hard work and support from everyone concerned.

Justice Minister Lo said that the elections this year will present unprecedented challenges, because past experience tells us that the more elections being held at the same time, the more motivated some candidates would be to engage in vote-buying.

Furthermore, the amendments to the Communication Security and Surveillance Act this year mean that the application procedures for communication records and monitoring have become much more complex; the prosecutorial, police, investigative and governmental ethics personnel must consult with each other more, and be ready to pursue alternative avenues if one method does not work.

Minister Lo also reminded those present that all the candidates would be using more and more innovative methods to promote themselves, so we must always be fair and just, and equally proactive and efficient irrespective of the party to which a candidate belongs. We often see very sudden developments or actions several days, or even on the day before the elections, in an attempt to influence the outcome, and this poses a great challenge to the police, investigative and prosecutorial authorities. We must be ready with responsive strategies and measures to identify those with truly illegal intent, to better protect innocent persons who have been unfairly defamed, in order to respond promptly when such situations arise suddenly. She hopes that everyone will contribute, using their past experience to implement even better work methods, and also prepare new strategies for various situations in light of recent changes in the law.

The Conference seeks to improve investigation strategies against bribery in elections by reviewing past oversight and error in investigation efforts. Zhang Wen-zheng, Director of the Department of Prosecutorial Affairs, Ministry of Justice explained the investigation and prosecution processes that needed to be carried out in respect to vote-buying in instant elections. The authorities have also appointed personnel who have demonstrated outstanding work in this field to present special reports about their actual experiences and techniques regarding the investigation of bribery in elections, so these reports might serve as references for their colleagues.

Prosecutor-General Yen concluded the Conference with the following comments for mutual encouragement:

1. These elections are expected to be extremely intense, so all departments must make good use of these final four and a half months, and focus on preventing bribery and violence from interfering with the elections. All personnel must step up their investigative and prosecutorial work, and carry out both proactive investigation and public education at the same time.
2. Investigation of vote-buying relies heavily on information, but statistics and past experience show that a great deal of this is useless. Prosecutorial authorities,

especially enforcement taskforces, must thoroughly consider whether a piece of information may be biased, and avoid giving the general public the impression that the cases for investigation are selected.

3. Shooting incidents occurred on the eves of the 2004 Presidential and Vice-presidential elections, as well as the 2010 New Taipei City council elections and the repercussions are still being felt today. Given our dedication to the election investigation work, and our attempts to prevent vote-buying and violence from interfering with public elections, such incidents must be considered a slap to our faces. It is hoped that the authorities will also focus on the investigation of black market weapons and raids by mafia members in their investigative work, to ensure there is proper law and order prior to the actual elections. Furthermore, we will undoubtedly see many protest rallies during the election period; the authorities should exercise wisdom in dispelling such rallies, so as to prevent any detrimental impact on the elections or law and order.
4. The national elections being held this year involve candidates from village people's representatives to city/county mayors, and are therefore extremely competitive. All authorities must pay special attention to population migration, the so-called "ghost population" problem. This is frequent, especially in the Penghu, Kinmen and Lianjiang areas. Therefore, if the authorities on Taiwan mainland ascertain any related information, they should pass this information on to their counterparts on the offshore islands, to prevent "ghost populations" from unfairly biasing the results of elections. The prosecutors' offices in Taipei, New Taipei, Shihlin and Keelung should coordinate their investigation and prosecutorial efforts, striving for uniformity as far as possible, so that local police precincts do not become confused by differences in prosecutorial authority instructions.
5. Sports lotteries and other unauthorized gambling relating to the Soccer World Cup and other sports have recently become popular, and we fear that this might expand into gambling about the election results this year. All authorities must use their best efforts to root out such gambling, to prevent any attempts to unfairly influence the elections. While districts differ in size, the authorities should also organize their taskforces so avoid inefficient localization; the smallest number of personnel should be used to achieve the most effective results.
6. The legality of constructive elements is particularly important in criminal cases.

The authorities are reminded to pay extra attention to the collection of evidence, especially the legality and propriety in the exercise of a prosecutor's orders, so that counter-election bribery results that they worked hard to achieve are not defeated by procedural defect.

7. Law enforcement authorities must pay attention to impartiality and administrative neutrality in their enforcement of the laws to gain public support. In the event of any false reporting about the elections, the authorities should grasp the key issues and provide news releases or hold press conferences to clarify the facts of each case.