

Anti-corruption Yearbook 2012





Message from the Director General

In order to implement the policy concept of President Ma, the Executive Yuan approved the "Golden Decade National Vision" plan in May 2012, and listed Anti-Corruption Reformation as one of the 31 main policies of the eight major visions. In order to establish the goal of a clean government, strategically, besides implementing the anti-corruption reporting functions of Central Integrity Committee and the authorities at all levels, Anti-Corruption Reformation also fully implements "National Integrity Building Action Plan," breaking through the binary thinking mode of "corruption eradication and corruption prevention" and switching to using the concept of diversified strategy, emphasizing the integration of various governmental departments and the power of the people, in order to achieve the goal of "Not Willing to Be Corrupt, Not Having to Be Corrupt, Not Being Able to Be Corrupt, Not Daring to Be Corrupt" in civil servants.

After the establishment of the Agency Against Corruption, Ministry of Justice (AAC) on July 20th, 2011, an effect could be clearly seen for the case sources of the anti-corruption work at the Bureau. Under the cooperation of all colleagues at the Bureau in 2012, we continue to strengthen the territorial management through the investigation personnel in each jurisdiction, and fully uncover the major corruption/malfeasance matters and clues. These will be listed as "target cases," and the planning of case handling starts. We actively enhance our case-handling ability, hoping, in the end, many major cases will be referred to the prosecutors and that these will receive wide public attention, where brilliant results of corruption eradication will also be achieved.

It is hard to reach and achieve the ideal of having no dead ends in the fight against corruption relying only on the strong corruption eradication act of the Bureau, and we still need to use a diversified strategy and further connect with other offices to jointly shoulder

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the huge responsibility of going against corruption. Therefore connecting the Bureau with the corruption eradication energy of the AAC, we can bring into full play the function of "combined attack from different directions, the crossing of an attack network." It is currently an important mission to integrate the national anti-corruption departments, and this is also the concrete realization of the implementation of "National Integrity Building Action Plan." The actual significance in "combined attack from different directions, the crossing of an attack network" is "competition and cooperation, and integration of resources," and to implement the mission through three types of competitive and cooperative modes "Clues Detected Individually by Both, Cases Investigated through Coordination, Special Case Projects Investigated through Cooperation." We hope that because of the principle of the sharing of resources, concentration of energy, and investigating jointly or collaboratively, we can really form an integrated iron triangle relationship between prosecutors, the Bureau, and the AAC and bring into full play the function of the combined corruption eradication energy to jointly complete the governmental mission of anti-corruption, carry out President Ma's policy concept of Anti-Corruption and Reformation, and respond to the people's expectation.

Sincerely,



May 2013



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Editing Description

I. Editing Purposes

The Anti-Corruption Division, Investigation Bureau (hereinafter referred to as the Bureau), Ministry of Justice compiles and publishes the Anti-Corruption Yearbook (hereinafter referred to as the Yearbook) on a yearly basis, aiming at helping readers understand the Bureau's anti-corruption work content and yearly execution statuses, in anticipation that by the annual reflection and review of the Yearbook, the Bureau will be able to continually refine and adjust its anti-corruption work.

II. Content Description

A. Part One, "Profile of the Anti-Corruption Division, Investigation Bureau," of the Yearbook aims at describing the legal and regulatory basis, organizational timeline, operational task-sharing, work objectives, and work emphases of the Bureau anti-corruption work, in anticipation that all sectors can understand the organizational structure, work philosophy, and execution methods of the Bureau's Anti-Corruption Division of the Bureau.

B. Part Two, "Anti-corruption Work Implementation Status and Results," offers the statistical analysis and description on the operational promotional status of the Bureau's Anti-Corruption Division in 2012, which encompasses two parts – the case investigation and processing work and the proficiency refinement work.

C. Part Three, "2012 Investigation Focus of Major Cases," focuses on 5 major cases investigated by the Bureau in the year of 2012 that have attracted attention from both the society and the government by describing briefly the processes and influences of the investigation, so that the readers can understand the difficulties that the Bureau faces while undertaking cases. (This part is excluded from English version)

D.Part Four, "2012 Summary of Prosecuted Cases," discusses 16 representative cases investigated by the Bureau, which were referred to the district Prosecutors Offices in the past two years, and are then prosecuted in 2012; these cases are arranged according to their case types, so that readers can conveniently refer to the criminal patterns and techniques of the various case types. (This part is excluded from English version)

III. Notes

- 1.For the units referred in the Yearbook, the "year" is "calendar year", the "case" is in unit of "case", the suspects are in unit of "person", and the "amount" is in unit of "TWD" (Taiwan Dollar) . As for the counting of cases, when in the referral stage, each referral is counted as one case; in the indictment stage, one indictment is counted as one case. The count of suspects is based on the number of suspects in referral, or as defendants in the indictments. The units of other items are described in articles or figures.
- 2.The percentage of the figures is according to the actual number of digits necessary and calculated by rounding.
- 3.The difference between "corruption/malfeasance cases" and "non-corruption/malfeasance cases" is based on whether the suspect is defined as a civil servant when violating the applicable law; if there is at least one civil servant involved in the case, then it is categorized as a corruption/malfeasance case.
- 4.Classification principles for referred cases: "Maladministration of Public Works" (including public works procurement and other maladministration in public works), if also is some kind of "education", "medical care" or "environment protection," can be classified as category "public works". "Maladministration of Procurement" (including labor and property procurement), if also is some kind of other categories, is classified as category "procurement."



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5. "Public servant" refers to high, middle and low-ranking civil servant, quasi civil servant and representatives; "non-public servant" refers to people other than above five statuses. "High-ranking civil servant" refers to civil servants in position levels of 10-14, or equivalent; "middle-ranking civil servant" refers to civil servants in position levels of 6-9, or equivalent; "low-ranking civil servants" refers to civil servants in position levels of 5 and below, or equivalent. "Quasi civil servant" has two definitions; 1) cases referred to or prosecuted by prosecutors before June 30, 2006, and those who were commissioned by government agencies before the amendment of Article 2 of the Anti-corruption Act; 2) cases referred to or prosecuted by prosecutors after July 1, 2006, and those who were commissioned by the central government, local self-governing organizations, and their subordinate organizations, and were involved in public affairs within the authority of commissioned units according to Subparagraph 2, Paragraph 2, Article 10 of the Criminal Code. "Representatives" includes central and locally elected representatives at all levels.
6. "Corruption amount" refers to the illegal profits earned by civil servants, quasi-civil servants, or their accomplices while under suspicion of corruption. "Profiting amount" refers to the illegal profits generated by civil servants with mercenary intention, whether utilizing the capacity of their offices. "Procurement amount" refers to the final tender price or budget amounts in procurement cases that involved illegal collusion. "Others" refers to crime amounts that did not belong to the above categories.
7. "Key applicable laws" and "key applicable articles on referral" refer to the law applicable to the cases or to the suspects. When the same case or suspect involves in offenses under two or more applicable laws, the heavier punishable law shall prevail.
8. "Education statistics" are based on the graduation qualifications of the suspects; if they did not graduate, they are categorized in the next lower level of education level.

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Part One.

Profile of the Anti-Corruption Division, Investigation Bureau

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I. Legal and Regulatory Basis

As stipulated under Article 2 of the pre-amended Investigation Bureau, Ministry of Justice Organization Act:

"The Investigation Bureau, Ministry of Justice is in charge of the investigative and safeguard matters related to the endangerment of national security and the violation of national interests. The aforesaid investigative and safeguard matters are to be defined by the Executive Yuan." An abridged explanation on what the Executive Yuan has amended and promulgated, over the years, of the Bureau's administrative responsibility and the portion related to the anti-corruption work is provided below.

The Executive Yuan has on August 27th, 1956 promulgated the Bureau's ten administrative responsibilities, and among them, item 5 "corruption and malfeasance matters" and item 10 "investigative and safeguard matters specifically entrusted by superior agencies" have come to provide the legal and regulatory basis of the Bureau's execution of anti-corruption work.

At the onset of the second National Assembly representative elections in 1991, the Bureau received instructions from Executive Yuan and Ministry of Justice through the means of special project to join the vote-buying investigation and crackdown work in successive elections; starting from October 30th, 1998, the Executive Yuan approved the Bureau's nine administrative responsibilities, and among them, item 4 "corruption/malfeasance prevention and vote-buying investigation and crackdown matters," has clearly enlisted vote-buying investigation and crackdown work as part of the Bureau's administrative responsibility, while item 9 has the text amended to "pertinent national security and national interest investigative and safeguard matters specifically entrusted by superior agencies."

On December 19th, 2007, the Organic Act for Investigation Bureau, Ministry of Justice (formerly the Organic Statute for Investigation Bureau, Ministry of Justice) name and all of its 16 articles have been amended and announced, and have gone into effect March 1st, 2008. Article 2 of said law itemized the Bureau's 20 categorized responsibilities, and among them, Subparagraph

4 "corruption/malfeasance prevention and vote-buying investigation and crackdown matters" and Subparagraph 20 "pertinent national security and national interest investigative and safeguard matters specifically entrusted by superior agencies" have come to provide the legal and regulatory basis of the Bureau's execution of anti-corruption work.

II. Organizational Timeline

The Bureau's anti-corruption work, up to May 1979, was handled by Division One of the Bureau. Yet with drastic changes taking place in Taiwan's politics and economy that year, the Executive Yuan, in a bid to deter economic crime, safeguard the public equity, and maintain the economic order, summoned project meetings on a number of occasions, and, in May of the same year, ordered the Bureau to establish the "Economic Crime Prevention Center" to take over Division One's pertinent crime investigation operations. The Center was declared to and approved by Executive Yuan to begin its formal operation on June 8th, 1979. In August of the same year, once again according to the "Rectification of Political Practices and Eradication of Corruption Plan" the Executive Yuan has promulgated, said center has been expanded and organized into the "Corruption and Economic Crime Prevention Center" in order to step up the prevention work against corruption and economic crime.

Subsequently, in response to the increasing anticipation for administrative governance transparency and corruption/malfeasance eradication by all sectors of the society, the Bureau, as ordered by the Executive Yuan, has in February 1989 established the "Division Against Corruption" to be specifically responsible for handling anti-corruption operations. This Division was manned by one Division Director, held concurrently by the Deputy Director General of the Bureau, one Executive Officer, two Division Deputy Directors, and was supported by five sections, where, by its existing manpower, 505 associates were staffed at the time. These associates were assigned to inaugurate Sections and Units Against Corruption at various Field Investigation Divisions and Offices. Simultaneously, in northern, central, southern, eastern Taiwan, four Region Mobile Office Units were established to be specifically responsible for



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investigating and processing major corruption/malfeasance cases. At such point, the anti-corruption work has been segregated from the Bureau's other crime investigation operations as an independent focused taskforce.

In 1990, with further research made for operational refinement and process flow improvement, the anti-corruption work's foremost guidance principle was established as "prevention outweighs investigation, and investigation is also made for prevention." A declaration made with the Executive Yuan has on October 4th, 1990 been approved to rename the "Division Against Corruption" on February 1st, 1991 to "Anti-Corruption Division," which not only acts to instruct Field Investigation Divisions and Offices, and mobile office units to actively uncover, investigate, and process major corruption/malfeasance cases, but also to actively coordinate various agencies' Government Employee Ethics Units and taxation and customs inspection (supervision) units to step up anti-corruption prevention measures in a bid to attain the objectives of rectifying political practices and bringing transparency to administrative governance.

According to the Executive Yuan chairperson's rulings at the 33rd and 34th security enforcement meetings held on March 26th and April 23rd respectively in 1992, in order to step up the prevention, investigation, and processing of public works project fraud cases, the Bureau has on May 1st, 1992 established the "Public Works Project Fraud Prevention Taskforce" in the Anti-Corruption Division. It is responsible for planning, promoting, and implementing the operation. All members of the Eastern Region Mobile Office Unit were assigned to form the "Major Public Works Project Fraud Investigation and Crackdown Taskforce." This taskforce is specifically responsible for handling major public works project fraud cases, and has also ordered various pertaining field divisions, offices, and units to step up the integration of Government Employee Ethics Officers aiming at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation and processing on such cases.

On January 16th, 2002, the Eastern Region Mobile Office Unit was restructured. And also, in a bid to simplify the verification process of corruption cases and enhance work efficiency by upholding the "case guidance consistency" principle, the operational task-sharing for

various Sections under the Anti-Corruption Division have been readjusted as of July 1st of the same year as follows: Sections One, Two, and Three are the Investigation Sections, Section Four is the Prevention Section, and Section Five is the General Section. The previous "Public Works Project Fraud Prevention Taskforce" is now revamped to being under the operations of Section One, while vote-buying investigation and crackdown operation once processed by Section Three was taken over by Section One, and from September 8th, 2006, the vote-buying investigation and crackdown work is reclassified and taken over by Section Four.

From 2000 to 2010, with the repeated major anti-corruption cases in Taiwan drawing intense coverage by the news media, prompting the masses with a rising anti-corruption awareness, the Ministry of Justice has formulated an "Anti-corruption Action Proposal," and the Executive Yuan has on November 30th, 2006 approved for it to go into effect. Eradicating corruption/malfesance and upholding administrative governance transparency are approached from two aspects, corruption eradication and corruption prevention, which the Bureau, in supporting the government policy, has convened meetings with internal duty and field duty units on several occasions to study, discuss, and finalize the "Stepped-up Anti-corruption Task Proposal," and this is to be manifested through "Simplifying the case-processing flow," "Adjusting the anti-corruption manpower," "Amending the performance evaluation guideline," and "Increasing anti-corruption work performance weighing and administrative rewards," by which to guide all field duty units to raise their energy in actively uncovering the cases, fulfill their powers and responsibilities in active investigation, strictly uphold justice in case processing procedure, accelerate case processing effectiveness, investigate and process major benchmark cases, and also to install a toll-free "anti-corruption hotline" 0800-007-007 to encourage the general public to send in tips and leads with tangible action to demonstrate their anti-corruption and corruption eradication determination.

The Organic Act for Investigation Bureau, Ministry of Justice, which was announced on December 19th, 2007, by the president, went into effect on March 1st, 2008 to legalize the Anti-Corruption Division. The Ministry of Justice has also in October 2008 amended and announced all of the 27 Articles in the Investigation Bureau's Regulations for Departmental Affairs, and which



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had been implemented back in March 1st, 2008, and according to Subparagraph 2, Paragraph 1, Article 4, "The Anti-Corruption Division is to carry out its mission through five sections," and Article 6, "The Anti-Corruption Division is charged with the following undertakings: I. The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work. II. National security, national interest, and anti-corruption-related investigation specifically entrusted by superior agencies. III. Other pertinent anti-corruption undertakings." which constitute the current state of Anti-Corruption Division's organization and administrative responsibility.

III. Operational Task-sharing

The Anti-Corruption Division is in charge of the Bureau's anti-corruption operations, and is headed by the Division Director, who oversees the overall management of departmental affairs, and the Deputy Director and Senior Specialists, who assist with the processing of departmental affairs.

A. Prior to April 9th, 2012, the Anti-Corruption Division is divided into five sections, where each section's operations task-sharing is described below:

Section 1: Charged with the operational planning and supervision on the investigating and administrative processing of public works fraud cases, and monetary goods and labor rendered procurement fraud cases.

Section 2: Charged with the operational planning and supervision on the investigating and administrative processing of general corruption/malfeasance cases in the northern and eastern regions, and cases specifically assigned by superior agencies.

Section 3: Charged with the operational planning and supervision on the investigating and administrative processing of general corruption/malfeasance cases in the central and southern regions, and cases specifically assigned by superior agencies.

Section 4: Charged with operations on the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases, the review

and approval of the study reports of the corruption/malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, the editing and compiling of the anti-corruption yearbook, and the compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook.

Section 5: Charged with general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of the anti-corruption work, the organizing of public works consultative committee meetings and irregular operations review meetings, the coordinating and contacting of Division Four, Taxation Agency, Ministry of Finance among other pertinent units, and the processing of the general administrative operations in the Division.

B. As of April 9th, 2012, the Anti-Corruption Division has been temporarily restructured into four sections, where each section's operations task-sharing is described below:

[Southern Region Investigation Section:](#)

Charged with the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the southern region and Penghu area, and cases specifically assigned by superior agencies.

[Northern Region Investigation Section:](#)

Charged with the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the northern region, and Kinmen, Matsu and Yilan areas, and cases specifically assigned by superior agencies.



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Central Region Investigation Section:

Charged with the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the central region, and Hualien and Taitung areas, and cases specifically assigned by superior agencies.

Vote-buying Investigation Section :

Charged with general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of the anti-corruption work, the organizing of public works consultative committee meetings and irregular operations review meetings, the coordinating and contacting of Division Four, Taxation Agency, Ministry of Finance among other pertinent units, the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases, the review and approval of the study reports of the corruption/malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, the editing and compiling of the anti-corruption yearbook, the compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook, and the processing of the general administrative operations in the Division.

IV. Work Objectives

A. Determination of implementing the corruption eradication for corruption crackdown

The Bureau, one of Taiwan's corruption eradication agencies, has consistently shouldered the mission of eradicating corruption and graft for more than fifty years, and has accumulated an abundance of corruption/malfeasance case investigation and processing experience. Not only has it culminated many frontline investigation personnel, but also installed solid logistical support, such as technology, forensic identification, communication, and surveillance, making it a well-trained, highly organized anti-corruption infiltration unit.

The government, to demonstrate its determination in fighting corruption and graft and respond to public anticipation, has on July 20th, 2011 established a full-time anti-corruption institution – Agency against Corruption, Ministry of Justice. It is charged with conducting anti-corruption, corruption prevention, and corruption eradication work, yet still anticipates the Bureau to continue executing one of its previous responsibilities, "corruption/malfeasance case investigation work," and by working alongside the Agency against Corruption, they look to build a transparent and clean homestead of transparency through joint efforts. With that said, the Bureau will continue to uphold its consistent corruption-eradicating determination by focusing on case investigation and processing, particularly emphasizing on the uncovering of major corruption/malfeasance leads, such as those that are on a higher level, are of organized crime, or involve a substantial amount of money, and the tangible crackdown action to support the government's objective of achieving administrative governance transparency.

B. Purging of governmental procurement to prevent the infiltration of illicit capital

Over the years, the Bureau's investigation and processing of civil servants who seize the opportunity of engaging in corruption/malfeasance criminal conducts, such as accepting bribery and committing fraud through the processing of public construction procurement, monetary goods procurement, or labor rendered procurement have consistently accounted for a significant percentage of the types of corruption/malfeasance cases investigated and processed in that particular year. Contractors, in fighting for government procurement, tend to be reckless, where well-heeled or powerful ones tend to call together other contractors to perform bid rigging and distribute the benefits. While, to ensure securing the bid or obtaining higher profit margins, these contractors would solicit influential civil servants with bribes or by other means. Due to increased "costs," contractors would be invariably led to jerry build in order to meet contract requirements; however, to successfully pass the acceptance inspection, there is the need to once again solicit influential civil servants with bribes or by other means. Through colluding and



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sharing the proceeds of government procurement between civil servants and contactors, the quality is to be worried, and public funds are wasted, thus one of the Bureau's anti-corruption work focuses, through the means of investigation, is on the severe punishment and prevention of illicit funding infiltration, particularly honing in on major public works and large sum procurement as the focused investigation targets, in anticipation to construct a fair and clean government procurement environment.

C. Enhancement of vote-buying crackdown performance to rectify electoral practices

With the vote-buying culture being the main reason leading to the occurrence of corruption and malfeasance practices, a permanent cure lies in the combination of strength of the prosecution, investigation, and police agencies, where they step up the vote-buying investigation and crackdown work on local senior official and representative elections to achieve effectiveness by getting to the root of the problem. Over the years, in response to various public servant, farmers' and fishermen's association, or irrigation association elections, the Bureau invariably sets up a taskforce to support the prosecution agency in executing the vote-buying investigation and crackdown work, and also fully mobilizing its internal duty and field duty associates to uncover and obtain vote-buying information, actively investigate and process vote-buying cases, by which to enforce the government's determination to rectify election practices and maintain the election order, and in turn to erect a fair and transparent voting environment.

D. Strengthening of the evidence-gathering quality to uphold procedural justice

With the current court practice becoming increasingly stringent with the evidential power of the evidence presented, the defendant often resorts to the counterargument that the evidence investigation process provided by the plaintiff contains defects; hence, increasing the conviction rate on cases that the Bureau investigates and processes and attaining the objective of punishing and eradicating the unscrupulous has been the Bureau's ultimate goal. The Bureau has in 2004 formulated various case processing procedural regulations and guidelines, and has adjusted the detail of the contents in response to law amendments

in a timely manner, and has also held anti-corruption work refinement seminars on a yearly basis, all with the purpose of urging the associates to strictly abide by procedural justice, ensuring that the evidence-gathering process conform to the laws and regulations, and using sufficient and valid evidence to prove the crime of the suspect.

E. Upholding of the administrative neutrality to implement a lawful administration

Maintaining "administrative neutrality" has been the consistent stance of the Bureau, and in a bid to strengthen the foundation of Taiwan's democratic nomocracy, regardless of the political party, local fraction, or religion of the alleged suspects, as long as there are suspicion of criminal acts, such as corruption/malfeasance, or vote-buying, the Bureau will invariably process and carry out the investigation of the cases in compliance with the law, ensuring that the general public is able to perceive that "the service-oriented Investigation Bureau is here to serve the nation and the general public with the greater public good in mind."

V. Work Emphases

A. Case Investigation and Processing Work

1. Corruption/malfeasance Cases

The investigation and processing of civil servants corruption/malfeasance crime is the core operation of the Bureau's anti-corruption work. The so-called "corruption/malfeasance cases" refer to criminal cases where civil servants breach the Punishment of Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, breach of Offenses of Malfeasance in Office Chapter of the Criminal Code, non-simple breach of Offenses of Malfeasance in Office as stipulated under Article 134 of the Criminal code, or where a civil servant identify is required as stipulated by other laws before a case may sustain.

When leads are discovered in anti-corruption/malfeasance cases, the Bureau immediately sets up a case to conduct investigation and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of contactor engaging in bid rigging or



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license borrowing, judicial fraudulent conduct, destruction of state property by members of the general public, acts of breaching environmental protection laws and regulations by members of the general public, may not formally fall under the aforesaid "corruption/malfeasance cases," yet, in view of how such conducts have a high probability of being associated with civil servants, the Bureau would also set up a case to conduct investigation, and once investigated and verified that no civil servants are involved in it, the case would be enlisted as a "non-corruption/malfeasance case."

Cases where public school teachers, public hospital medical staff, and public enterprise personnel, whose identities are classified as civil servants prior to the amendment of the Criminal Code on July 1st, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment of the Criminal Code, a majority of the aforesaid personnel is no longer public servants; however, the Bureau would still set up cases to conduct investigation on conducts that are constituted as embezzlement, fraud, forging and tempering of documents, and these cases would be enlisted as "non-corruption/malfeasance cases."

2. Vote-buying Cases

The conducts of soliciting and accepting bribes that breach the Presidential and Vice Presidential Election and Recall Act, Public Officials Election and Recall Act, Farmers Association Act, Fishermen's Association Act, Organic Act of the Irrigation Association, and the offenses of interference with voting Chapter of the Criminal Code do fall under the scope of "vote-buying cases" under the Bureau's responsibilities, and are all investigation and crackdown subjects of the Bureau.

B. Professional Refinement Work

1. Educational Training

With lifelong learning offering a viable means for civil servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work refinement seminars on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings on an irregular basis, and also researches and compiles work handbooks based on operational needs and practical views, and uses the internal network the "anti-corruption database" of the Bureau to offer the latest information; for example, uploading information, such as the latest laws, regulations and administrative directions, the successful investigation and processing experience of certain special types of cases in the form of "case study reports" onto the database, in anticipation that the Bureau associates would be familiar with various case processing procedures and laws and regulations, by which to step up their practical investigative skills, achieve the goals of mutual observation and learning and experience exchange, and in turn to raise the professional standards and enhance the work performance.

2. Consultation Meetings

On December 1st, 1993, The "Public Works Consultative Committee" was established. Taiwan's scholars, experts, and community leaders related to the public works field are hired to be consultative committee members, where they utilize topical discussions or case consultation means to offer various fraud-prevention recommendations, by which to step up the investigation and evaluation methods of public works projects to prevent fraud. The commission's range of consultation is as follows,

- a. Consultation on the professional knowledge of public works projects.
- b. Evaluation of public works projects.
- c. Exploration and discussion of problems in public works projects.
- d. Other matters regarding fraud prevention of public works projects.



Part Two.

Anti-corruption Work Implementation Status and Results

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I. Case Investigation and Processing Work

Table 2-01 depicts the overall state of the 2012 case investigation and processing work of the Anti-Corruption Division of the Bureau, which is divided into two categories, namely "anti-corruption cases" and "vote-buying cases," with a total of 580 cases investigated and processed in 2012. Among them, 534 cases pertained to "anti-corruption cases," which comprised 478 cases that were referred officially to the prosecutors for indictments after investigations, 31 cases that were forwarded to the prosecutors with written reports and indicted afterward, and 25 cases that were cooperated with the prosecutors in the investigation, whereby the prosecution agencies have brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio. in 2012. Another 46 cases pertained to "vote-buying cases," which the Bureau supported the prosecutor's office in the investigation and processing, where the prosecutor's office had, in 2012, brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.

To truthfully demonstrate the execution state of investigation and processing work of the corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for "anti-corruption cases" has been revamped from prosecutorial data to referral data, while the basis of statistical analysis for "vote-buying cases" is still on the panel data of the prosecutor's office in support of the practical operation state. The 2012 case investigation and processing work will be introduced separately in designated chapters focusing still on "referred cases" and "vote-buying cases."

Table 2-01 Summary Table of the Investigation Work Performed in 2012

Unit: case

Category		Case Count	Descriptions
Corruption Cases	Referred Officially to Prosecutors	478	Cases referred officially to prosecutors for indictments after investigations
	Forwarded to Prosecutors	31	Cases forwarded to prosecutors with written reports and indicted afterward in 2012 after investigations.
	Others	25	Cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2012 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.
	Subtotal	534	accounts for 92.1% of the year.
Vote-buying Cases		46	The Bureau has cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2012 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio., which accounts for 7.9% °
Total		580	Note 1: The period for statistics is between January 1 and December 31, 2012. Note 2: The chapter “Investigation Work” of this Year-book indicates the 478” referred cases” and 46” vote-buying cases”



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A. Statistics on Referred Cases

The referred cases comprise two major categories, namely "corruption/malfeasance" and "non-corruption/malfeasance," which is classified based on the key applicable articles at the time of referral. The corruption/malfeasance case types, through mirroring the type of fraud practices prone to occur as demonstrated in the "National Integrity Building Action Plan," were divided into 22 categories, namely public works, procurement, judicial corruption and malfeasance, police administration, fire fighting, correction, urban planning, construction management, land administration, taxation, custom affairs, financial affairs, medical care, education, company registration, motor vehicle management, funeral and interment, environmental protection, spoil of land conservation, rivers and gravel management, public welfare subsidy, subvention, while those that were unable to be classified into these specific categories were grouped under the "others" category. Non-corruption/malfeasance cases were divided into 8 categories, namely public works, procurement, judiciary fraud, medical care, education, environmental protection, spoil of land conservation, and others. Among which the category of judiciary fraud has become one of the main focuses of investigation and processing by the Bureau since 1989, which is a matter that the superior agency has particularly instructed, whose goal is to maintain a good judicial culture, to uncover judicial corruption and malfeasance clues. The two categories, medical care and education, are a response to the amendment of the definition of civil servants in Article 10 of the Criminal Code, where in principle, physicians in public hospitals and teachers in public schools no longer have the civil servant identity, and corruption/malfeasance laws, such as Anti-corruption Act are not applicable. However, the division of labor of the operations at the Bureau still classified the processing of cases involving embezzlement, fraud, abuse of trust, or other criminal offenses under the Criminal Code of these personnel to the Anti-Corruption Division. The two categories, environmental protection and spoil of land conservation, are also matters that the superior agency has particularly instructed. Since 1999, the responsibilities of the Bureau covers cases, such as excessive cultivation, burial abuse, deforestation, illegal mining of sand and gravel in rivers, excessive digging of gravel in agricultural land, dumping of waste soil, and abuse of industrial waste pouring that simply violate laws, such as Soil and Water Conservation

Act, Slope Land Conservation and Utilization Act, Water Act, Forestry Act, Urban Planning Act, Regional Planning Act, Mortuary Service Administration Act, Larceny of the Criminal Code, and Waste Disposal Act.

1. Statistics on Referred Cases Over the Years

Table 2-02 depicts the statistics on the case count, suspect count, and the amount of money involved in the various types of cases referred in 2012; Table 2-03 depicts the statistics on the case count of the various types of cases referred from 2008 to 2012.

A total of 478 cases were referred to the prosecution agency in 2012, and among them, 220 were "corruption/malfeasance cases," involving 1,123 individuals, comprising 589 civil servants and quasi civil servants, 18 elected representatives, and 516 non-public servants. Comparing to the figures in 2011, the referred case count was down by 84, a rate of decrease of 27.6% (84 cases/304 cases), and the referred suspect count was down by 338, with a rate of decrease of 23.1% (338 individuals/1,461 individuals). Among the 220 corruption/malfeasance cases, the majority of the referred cases were in the category order of public works, procurement, and police administration. For the past five years, the trend has been similar.

46 cases were in the "public works" category, involving 266 individuals, except where two contracting units pertained to public schools, and one pertained to a public hospital, the rest were all general government agencies or public enterprises. The main criminal conducts were leaking out mandated confidential information that should be confidential, such as the jury list, base price, and leading bidder, falsely declaring the budget amount, performing false supervision, performing false inspection, illegally escorting the execution of specific contractors, knowing that the actual executor should have avoided conflicts of interest, but failed to terminate the contract according to the law, maliciously making things difficult and delaying payment, and so forth, and then accepting bribes, kickbacks, or using the aforesaid means for profit on specific individuals. The stage at which most criminal acts occur in the stage of contracting and construction of the project, followed by the stage of acceptance inspection and payment, and trailed by the stages of budgeting for design, assessing the construction,



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and formulating the plan. The majority of the types of construction cases involved road maintenance and improvement, sewage sanitation, river dredging, and the rest pertained to various projects, such as landscape greening and beautification, pipeline replacement, construction of waste soil treatment plant, seismic retrofitting of classrooms, building of new archways and landmarks, establishment of traffic safety facilities, light fixture renovation, noise improvement, drainage improvement, electromechanical works at the airport, and so forth.

61 cases were in the "procurement" category, involving 446 individuals, where the procurement units involved not only general government agencies and public enterprises, but also public schools for 21 of the cases, public hospitals for 16 of the cases, and military units for 3 of the cases. The reason that the number of public school cases were much higher than the previous years is due to the acceptance of the prosecutor's command by the north, central, and south field divisions and offices to investigate and process the research projects that were entrusted to the teachers at national universities by the National Science Council to process. However, there were many illicit cases through the declaring the funds of false invoices and sales vouchers in the procurement of objects, such as research equipment, which involved several universities nationwide and a number of teachers. The main reason that the number of public hospitals were also much higher than the previous years is due to during the investigation of the corruption/malfesance case of the CEO of Hospital Administration Commission, Department of Health by the New Taipei City Field Division in 2011, at the same time, it was uncovered that the personnel of many hospitals of the Department of Health, including Keelung, Taipei, Taoyuan, Zhudong, Fengyuan, Changhua, and Chiayi, and the New Taipei City Hospital, New Taipei City Government collected bribes from the contractors through the handling of the procurement of medical equipment, and then assisting the contractors in successfully securing the bid. After investigation, these cases were separately referred to the prosecutor's office to be investigated and processed in 2012. The criminal conducts of the procurement category were mainly performing false inspection, falsely compiling budget amount, illegally escorting the execution of specific contractors, using these to delay payment, passing the objective third party review under the guise of assistance, mobilizing authority personnel to engage in labor that the contractor should originally perform by themselves, and then accepting bribes,

kickbacks, or using the aforesaid means for profit on specific individuals, and there were also cases of using false invoices to declare funds so as to make fraudulent claims to public funds. In 2012, two special cases related to "Joint Supply Service Contract"¹ were referred, which, respectively, occurred in a Township Office in the North and a County Government in the South, both of which the civil servants colluded with the joint supply garbage truck sales contractor: the former claimed that a garbage truck "accessory," that originally does not need to be bought separately, is not included in the sale and purchase range of the joint supply service contract and made a separate budget, and purchased through private "price negotiation" with the aforesaid contractor previously, and accepted kickbacks after things were complete; the latter negotiated conditions with the cosigned vehicle owners of the contractor, if willing to pay bribes according to the number of garbage trucks and the tonnage size of the recycling trucks purchased, then the purchase will be from them, if not, an alternative joint service contractor will be sought out, and after an agreement have been reached by both parties, and the civil servant accepted bribes after things were complete. The two major types of bid projects involved in the cases were procurement of goods and procurement of services, where the former included various procurement instances of computers and accessories, medical equipment, fire equipment, speedboats, garbage trucks, hog auctioning system, surveillance system, broadcasting system, database integration platform, and so forth, while the latter included various procurement instances of planting conservation, grave exhumations, compilation of local gazetteers, maintenance of cleanliness, outsource setting up of travel sites, marketing plans in tourism, marketing plans in bus deals, commissioned planning, design, and supervision of project, and so forth.

¹ Originating from the proviso of Article 93 of the Government Procurement Act, this refers to an authority to two or more authorities having common demand characteristics in property or service signing a contract with the company, so that this authority and other applicable authorities can all use this contract to process procurements.

The contracting authorities that the Public Construction Commission, Executive Yuan, have designated currently are central agencies, including Environmental Protection Agency, Executive Yuan, Department of Health, Executive Yuan, Ministry of National Defense, Ministry of Education, Veterans Affairs Commission, Executive Yuan, National Police Agency, Ministry of the Interior, National Fire Agency, Ministry of the Interior, and Bank of Taiwan. For the bidding of the same product (property or service), the contracting authorities usually will sign separate contracts with multiple companies, while applicable (in-need) authorities only need to choose one of the contractors, and express the quantity to this contractor according to the bidding.



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24 cases were in the "police administration" category, involving 128 individuals, where the cases involving casino operators were the most, followed by those involving sex trade call stations or locations where females accompany for pleasure, trailed by those involving drugs, where the criminal conducts were primarily related to the following three operations: (I) Criminal investigation and crackdowns, such as embezzlements of and detaining drugs, embezzlements of drugs reclaimed from the loot storage that should be destroyed, letting loose of drug addicts in exchange for drug trafficking clues of others, planned luring of others to traffic drugs in order to embezzle case-solving performance bonuses, letting loose drunk drivers that commit offenses against public safety, destroying the sex trade records of the party and letting the party loose after accepting the lobbying of councilors, and so forth; (II) Police duty crackdowns, which often involved improper benefits, such as accepting bribes and sex trade service from sex trade operators and casino operators, and then tipping them off about the crackdown information or condoning their illicit acts by forgoing crackdowns; there were also those related to road traffic management, such as accepting bribes and not taking action after stopping and inspecting illegal heavy vehicles, destroying the ticket with high fines and also deleting computer records after accepting the lobbying of councilors; (III) Inquiries of confidential information, such as violating the operational guidelines by illicitly inquiring a variety of information, such as others' vehicle registration and the informant's information, and then leaking the information to the individuals making such illicit inquiries.

Of the 47 cases that fell under the "others" category, 2 cases pertained to public enterprises, 1 case to military units, 11 cases to government agency units under the central government departments and ministries, while the remaining cases occurred in local-governing bodies/governments and elected representative assemblies of all levels. Criminal conducts can be divided into several major types: (I) Using false proofs of receipt to declare and embezzle funds, for instance, village/li magistrates embezzling village/li rudimentary working funds, councilors embezzling salary subsidies of councilor assistants, employees of Taiwan Railways Administration embezzling "incentive payouts for no liability accidents while driving," civil

servants in general embezzling meal and miscellaneous expenses, travel expenses, overtime pay, working funds, and so forth; (II) Embezzling property, for instance, veterans service counselors embezzling the relics of a dead veteran obtained through duties, personnel of the Department of Environmental Protection privately selling vehicle parts scrapped by the public, village/li magistrates embezzling public facilities by substituting the new with the old, and so forth; (III) "Selling official position" by relying on personnel authority, for instance, after township magistrates separately collected a varied amount between TWD \$300,000 and TWD \$500,000 from township office section employees, these people are then promoted to being section chiefs, after the president of the irrigation association collected TWD \$1,100,000 from a civilian, the daughter of the civilian was arranged to become an official employee, and promoted the younger brother of the civilian to be a manager; (IV) Using one's power to demand bribes, for instance, when Department of Health staff members process "Plan to Establish Centers of Excellence for Cancer," they demanded a "public relations fee" of tens of thousands of dollars from the undertaker of a subsidized teaching hospital, a township mediation committee member demanded a "service fee" of TWD \$15,000 from the party of the accident disputes, township elected representatives used calming public protests and taking care of councilors and gangsters as the reason to demand a varied "coordination fee" between TWD \$200,000 and TWD \$1,000,000, legislators used their positional power of questioning government officials and calling together central relevant ministries and commissions to hold a "coordination meeting" and demanded millions of dollars from the stakeholder trustees; (V) Profiting individuals, often pertaining to knowing that the citizens' application matters do not match the facts, and should not have been verified and approved according to the law, but still gave approval, so that the applicants could then obtain illegal benefits, for instance, people used false compensation eligibility for old military community relocation to request for compensation, used false membership roster of common property for ancestor worship to register for land inheritance through system tables, used false subject lands to request for fallow incentives, used false disaster investigation table of typhoon Morakot to request for disaster relief funds, and so forth.



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As can be extrapolated from the statistical data in past yearbooks, corruption/malfeasance cases in government procurement-related "public works" and "procurement" categories continue to account for rather high percentages in terms of the referred cases, suspect count, corruption amount, or profiting amount, which highlights how government procurement continues to be the primary tool by which unscrupulous civil servants or elected representatives extort illicit gains. The rest that do not involve government procurement often pertain to the corruption/malfeasance act of civil servants or elected representatives who resort to their positional powers and opportunities to blackmail related parties for monetary property, defraud treasury and property, or accepting bribes, and so forth, and among them, the number of cases referred under the "police administration" category continues to take the top spot over the years.

A total of 258 "non-corruption/malfeasance cases" were referred in 2012, which involved 707 individuals, comprising of 36 civil servants and quasi civil servants, 2 elected representatives, 669 non-public servants, down by 12 cases or 76 individuals when compared with that of 2011, with reductions of 4.4% (12 cases/270 cases) and 9.7% (76 individuals/783 individuals).

Table 2-03 shows that the number of referred cases in non-corruption/malfeasance cases under the "procurement" and "public works" categories continues to take the first and second spots over the years, where the criminal facts often pertain to bidders breaching various criminal charges stipulated under Article 87 of the Government Procurement Act, followed by the "spoil of land conservation" category, where the criminal facts often pertain to members of the public stealing public-owned land or sand/gravel, illegally developing hillsides, stealing and occupying state-owned land to run illegal business, violating the usage of non urban-land areas as classified by the County/City Governments. However, in 2012, the "environmental protection" and "education" categories jumped to the third and fourth spots, while the "spoil of land conservation" category fell to the fifth spot, with the main cause being, in 2012, the Bureau investigated and processed 13 cases, where through false declaration of exported goods at customs, unscrupulous operators concealed general industrial waste and hazardous industrial waste within containers, out of the 22 cases from the environmental protection category, a total reaching 24,178 metric tons

of illegal waste were seized. While in the 17 cases from the education category, there were many cases where during the processing and handling of the aforesaid teachers at national universities corruption/malfeasance cases by the Bureau, it was discovered that some teachers were suspected of using "figurehead assistants" to embezzle salaries of assistants, attendance fees, travel expenses, royalties, and so forth. The maximum amount of a fraudulent claim in a single case reached TWD \$2.59 million. There was another case where the National Science Council subsidized a teacher to continue the advanced studies in France, who didn't actually go to France, but filled out false receipts and made false reports to embezzle subventions for salaries that reached TWD \$560,000.

The investigation and processing of non-corruption/malfeasance cases primarily begins after the verification of the clues about the alleged involvement of civil servants in corruption/malfeasance, where the portion of criminal evidence on corruption/malfeasance is deemed unclear, or the law a civil servant has breached is other than the charge of corruption/malfeasance, thus eventually, these are referred to the prosecutor's office as non-corruption/malfeasance cases. Of said types of cases, the content is often closely related to the civil servants' ethics and government agencies' image. For example, of the procurement cases that fall under the non-corruption/malfeasance category, where a civil servant undertaking the procurement operation has colluded with bidders in bid rigging, even though said civil servant may not be classified as a criminal suspect of corruption/malfeasance, he or she has, however, severely sabotaged the government agencies' ethics; also, just as in judiciary fraud cases, where judicial brokers who resort to brokering bribery and engaging in factual fraud is also poised to sabotage the judiciary's just image. Consequently, the investigation and processing of such type of cases also contribute greatly to establishing a clean government, and even if the cases do not involve corruption/malfeasance directly, it is still necessary to eliminate the crime.

It's worth noting that the Agency Against Corruption, Ministry of Justice (hereinafter referred to as AAC) was established on July 20th, 2011². Before this, the Bureau was the only judicial police agency whose operational duty is anti-corruption. After that day, the two agencies jointly shoulder the huge responsibility of investigating corruption/malfeasance crimes. The



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anti-corruption operations of the Bureau was, thus, affected to some extent, and stopped the corruption prevention work that have been implemented for many years, where it continues to carry out the core operations on corruption eradication work (i.e. case investigation and processing work), but as to how are the different aspects being affected, we are afraid it's hard to tell in the short run. In terms of the internal factors of an agency personnel, such as quality, case-handling culture, and energy mobilization, because only a few personnel from the Bureau were transferred to the AAC, this does not produce significant changes. What is influenced more are the external factors, namely sources of clues, because there is an extra choice for clue contributors when choosing the receiving authority; therefore, the number of clues received at the Bureau dropped significantly³. Clues are the "focus" when initiating the investigation of a case. Quality clues help successfully carry out the investigation of cases, which is one of the factors that influence the overall effectiveness of the case investigation and processing work of investigating authorities.

Table 2-04 depicts the statistics on the number of sources of clues for the cases referred in 2012, using the dates before and after the filing date of July 20th, 2011, as a distinction, so as to show the various types of sources of clues that the Bureau received to carry out investigation before and after the establishment of AAC, and also the case count successfully investigated and processed in 2012. Figure 2-01 also used the dates before and after the filing date of July 20th, 2011, as a distinction, and using a histogram to show the ratio between the various types of sources of clues to the total number of referred cases⁴. We discovered: (I) After investigation, clues from citizen reports, surrender of citizens, and the cross-check from the prosecutors of the prosecutors' offices, the case count of those that have become "actual cases," have not dropped

² A dedicated anti-corruption institute in Taiwan that is responsible for national anti-corruption policy planning, it executes the operations of corruption prevention and corruption eradication. In the beginning, it focused on corruption prevention work, where when executing investigation duties on corruption/malfeasance or related crimes, it also has judicial police powers, just like the Bureau. In addition, this Agency is in charge of matters related to operations in all the government ethics organizations and organizational personnel management, and so forth.

³ According to statistics, from July 20th, 2011 to July 19th, 2012, the number of clues (includes vote-buying case clues) that the Bureau received from ethics organizations, the general public, and the prosecutors offices were 32 cases, 1139 cases, and 530 cases respectively, compared with the average of the number received during the same period from the previous four years were decreased by 304 cases (-90.48%), 177 cases (-13.45%), and 207 cases (-28.09%) respectively.

significantly since the establishment of the AAC. It is evident that in the beginning, the public and prosecutors are still willing to provide quality clues for the Bureau, hoping that after the Bureau receives this, the combating capabilities will be brought into full play to eradicate lawlessness. (II) The case count of those that have become "actual cases" with clues provided by ethics units have declined significantly. Before the establishment of the AAC, there were 60 received cases (accounts for 12.6% of the total number of referred cases); after the establishment, there were only 4 cases received (accounts for 0.8% of the total number of referred cases). The fluctuation range is quite substantial. It's mainly because, in the past, the Bureau carried out most of the investigation of the clues that the ethics units of the national bodies and agencies uncover that merely violates the Government Procurement Act, such as corruption/malfeasance clues or contractors performing bid rigging, however, after the establishment of the AAC, these were then shifted to be handled by this Agency. Corruption/malfeasance clues provided by ethics units are no doubt of high-quality, and of great investigative value. Of the 16 corruption/malfeasance cases filed before July 20th, 2011, there was one case out of several cases launched and executed by the Bureau in 2012 that brought social attention. (III) For the sources of clues that were actively uncovered by the Bureau⁵, whether it was before or after the establishment of the AAC, all accounted for a high proportion out of all the referred cases, which were 15.5% and 23.8% respectively (a total of about 40%), with a normal phenomenon that is almost unaffected. Also, the total number of corruption/malfeasance cases reached 108 cases, which accounts for 49.1% of all referred corruption/malfeasance cases (108 cases/220 cases). This shows that these clues are fundamental for the Bureau in the execution of corruption eradication work, which is also a unique intangible asset for the Bureau.

⁴ Criminal investigations usually take several months or even years for results to show, so this figure can only show the clues received by the Bureau after the establishment of the AAC, and after several months or even over a year of investigation, the situation of the number of cases referred to the prosecution agency between January 1st and December 31st, 2012, which does not include those that are still being verified and those that have been signed ending the case (there are 3 reasons for ending the case through signature: informant matters are of civil conflicts or administrative disputes, criminal clues were too abstract and difficult to verify, no evidence found to prove the criminal acts of the suspect).

⁵ This indicates the cases where after the special agents of the field divisions and offices of the Bureau discovered or collected information on unscrupulous acts of the suspect, they informed the Bureau to file, investigate, and handle.



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Table 2-02 Summary of Statistics on Cases Referred in 2012

Unit : case/person/TWD

Category	Item	No. of Cases	No. of Suspects			Amount of Money Involved in Cases			
			Civil servant	Representative	Non-civil servant	Corruption	Profiting	Procurement	Others
Corruption/ Malfeasance	Public works	46	137	3	126	101,682,611	182,281,168	1,023,567,477	105,070,707
	Procurement	61	227	0	169	103,499,740	200,787,816	841,678,594	131,206,223
	Judicial corruption and malfeasance	3	5	0	2	1,041,740	2,242,394	—	117,474
	Police administration	24	58	2	68	8,450,252	12,775,750	—	7,200
	Fire fighting	2	2	0	0	0	0	—	0
	Correction	4	8	0	9	802,381	0	—	0
	Urban planning	1	1	0	1	480,000	0	—	0
	Construction management	5	11	0	13	2,282,000	24,880,286	—	0
	Land administration	2	5	1	3	10,000,000	10,679,360	—	0
	Taxation	2	2	0	0	100,000	0	—	0
	Custom affairs	1	2	0	2	20,000	0	—	0
	Financial affairs	0	0	0	0	0	0	—	0
	Medical care	0	0	0	0	0	0	—	0
	Education	7	15	0	14	40,732,136	10,484,300	—	9,200
	Company registration	0	0	0	0	0	0	—	0
	Motor vehicle management	2	4	0	2	16,800	4,295,333	—	0
	Funeral and interment	2	3	0	5	126,000	7,000	—	0
	Environment protection	5	12	0	5	37,088,475	246,000	—	0
	Spoil of land conservation	0	0	0	0	0	0	—	0
	Rivers and gravel management	1	1	0	6	3,440,000	0	—	0
	Public welfare subsidy	1	1	0	0	688,800	0	—	0
	Subvention	4	13	1	47	6,197,511	877,928	—	0
	Others	47	82	11	44	72,708,384	101,703,564	—	16,363,864
	Sub-total	220	589	18	516	389,356,830	551,260,899	1,865,246,071	252,774,668
Non-Corruption/ Malfeasance	Public works	69	7	0	218	—	—	2,973,884,802	153,679,328
	Procurement	105	3	1	305	—	—	635,851,392	1,048,759,793
	Judiciary fraud	14	0	0	20	—	—	—	25,845,100
	Medical care	1	1	0	0	—	—	—	1,248,000
	Education	17	10	0	25	—	—	—	48,904,357
	Environment protection	22	0	0	33	—	—	—	1,779,000
	Spoil of land conservation	16	1	0	38	—	—	—	0
	Others	14	14	1	30	—	—	—	65,582,319
	Sub-total	258	36	2	669	—	—	3,609,736,194	1,345,797,897
Total		478	625	20	1185	389,356,830	551,260,899	5,474,982,265	1,598,572,565

Table 2-03 Statistics of Cases Referred in the Past 5 Years

Unit : case

Category \ Year		2008	2009	2010	2011	2012	Total
Corruption/ Malfeasance	Public works	78	79	59	58	46	320
	Procurement	37	41	38	53	61	230
	Judicial corruption and malfeasance	4	3	1	2	3	13
	Police administration	38	27	24	35	24	148
	Fire fighting	4	1	2	1	2	10
	Correction	1	4	6	2	4	17
	Urban planning	4	2	1	5	1	13
	Construction management	10	10	5	7	5	37
	Land administration	3	7	3	7	2	22
	Taxation	4	9	2	0	2	17
	Custom affairs	2	3	2	7	1	15
	Financial affairs	0	0	1	0	0	1
	Medical care	3	3	2	8	0	16
	Education	9	6	5	4	7	31
	Company registration	0	2	0	0	0	2
	Motor vehicle management	3	3	1	1	2	10
	Funeral and interment	4	2	7	4	2	19
	Environment protection	8	10	8	12	5	43
	Spoil of land conservation	0	3	0	1	0	4
	Rivers and gravel management	—	—	1	2	1	4
	Public welfare subsidy	—	—	1	1	1	3
	Subvention	—	—	1	9	4	14
	Others	89	92	80	85	47	393
	Sub-total	301	307	250	304	220	1,382
Non- Corruption/ Malfeasance	Public works	60	80	101	73	69	383
	Procurement	103	119	128	119	105	574
	Judiciary fraud	5	6	7	10	14	42
	Medical care	7	6	4	3	1	21
	Education	12	15	10	14	17	68
	Environment protection	3	9	3	13	22	50
	Spoil of land conservation	16	22	17	18	16	89
	Others	52	35	24	20	14	145
	Sub-total	258	292	294	270	258	1,372
Total		559	599	544	574	478	2,754



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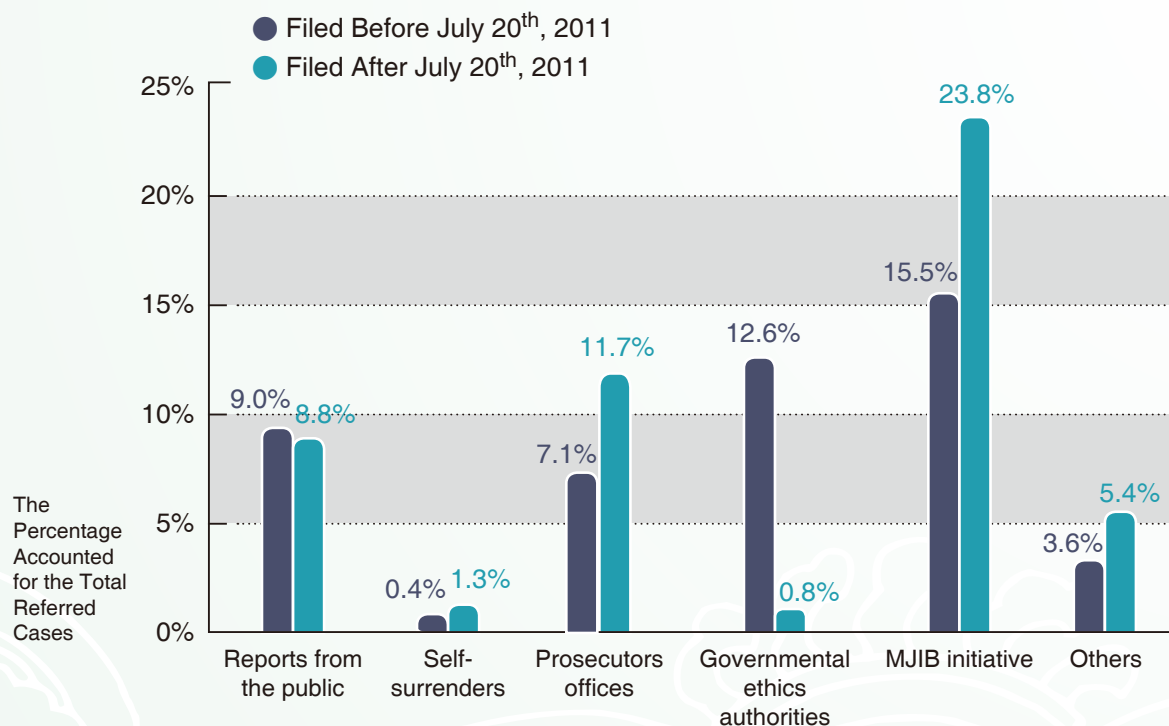
Table 2-04 Statistics of Case Sources on Cases Referred in 2012

(Cases are Categorized by Whether They are Filed Before or After July 20th, 2011) Unit : case

Filing Date \ Source	Source	Reports from the public	Self-surrenders	Prosecutors offices	Governmental ethics authorities	MJIB initiative	Others	Total
Filed Before July 20 th , 2011	"Corruption/ Malfeasance"	26	2	20	16	47	6	117
	"Non- Corruption/ Malfeasance"	17	0	14	44	27	11	113
	Total	43	2	34	60	74	17	230
Filed After July 20 th , 2011	"Corruption/ Malfeasance"	25	1	13	0	61	3	103
	"Non- Corruption/ Malfeasance"	17	5	43	4	53	23	145
	Total	42	6	56	4	114	26	248

Figure2-01 Scale Drawing of Case Sources on Cases Referred in 2012

(Cases are Categorized by Whether They are Filed Before or After July 20th, 2011)



2. Statistics on Applicable Laws of Referred Cases

Table 2-05 depicts the statistics on the state of key applicable laws for the various types of referred cases in 2012.

1 Among the 220 "corruption/malfeasance cases" referred in 2012, most of them were referred by the key applicable law of Anti-corruption Act with 200 cases, which accounted for 90.9% (200 cases/220 cases), with detailed circumstances as described in merged table 2-08. Followed by those referred by the Criminal Code with 20 cases, which accounted for 9.1% (20 cases/220 cases), with suspects encompassing county mayors, policemen, firemen, recorders of high prosecutors offices, prison pharmacists, irrigation association personnel, household registration office personnel, tax collectors, department head of Taiwan Water Corporation, junior high school group leader, Township Office staff members, and village/li magistrates; the highest number of criminal charges committed was offenses of leaking out secrets not related to national defense, which included 7 cases, followed by 5 cases with offenses of fraudulently filling out an entry on official documents.

Among the 258 "non-corruption/malfeasance cases" referred in 2012, most of them were referred by the Government Procurement Act with 159 cases, which accounted for 61.6% (159 cases/258 cases), and among them, most of them were referred by "offenses of borrowing others' name or credential documents to enter bid in an attempt to influence the procurement result or obtain improper gains" (commonly known as entering bid by borrowing someone else's license) as stipulated under Paragraph 5, Article 87 of said law with 113 cases; followed by those referred by "offenses of using fraud or other means to prevent the bidders from entering the bid or mislead the bid opening with inaccurate results" (commonly known as fraudulent bid rigging) as stipulated under Paragraph 3, Article 87 with 33 cases; trailed by those referred by "offenses of negotiating for other bidders not to enter the bid or participate in price competition in an attempt to influence the bid price or obtain improper gains" (commonly known as joint bid rigging) as stipulated under Paragraph 4, Article 87 with 11 cases; and there are also 2 cases referred by "offenses of restricting or reviewing techniques, construction methods, materials, equipments, specifications,



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or contractor specifications that are in violation of laws, in an attempt for personal illicit gains" (commonly known as tie bid rigging) as stipulated under Paragraph 1, Article 88. With almost all of the suspects breaching said Government Procurement Act cases being the participating bidders, there was only one case whose prime suspect had the identity of a city representative, who borrowed the names of three friends to bid for an outsourcing management bidding project on a City Office public productive enterprise swimming pool, where the bidding form used was produced by a City Office employee that was unaware of the situation. The tendering agencies of the procurement cases that were implicated by bidders involved in the cases encompass not only central government departmental/ministerial units, County/City Government or Township and City Offices, public hospitals, and public schools, but also public enterprises such as Taiwan Power Company, Chinese Petroleum Corporation, and Taiwan Water Corporation. It's worth noting that 10 of the cases were from procurement cases contracted by Armaments Bureau, Ministry of National Defense; it can be seen that even when the contracting authority has a sensitive and special nature, the unscrupulous contractors are unaffected.

Among the 258 "non-corruption/malfeasance cases," 63 cases were referred by the Criminal Code, being the second most, which accounted for 24.4% (63 cases/258 cases). The articles used to refer the 8 cases from the public works category and the 7 cases from the procurement category are mostly offenses of fraud or abuse of trust; there are 10 "judicial fraud" cases that also are offenses of fraud violations, the criminal conducts of which were mostly those pretending to be acquainted with the judicial officers and can settle the lawsuit, and to know the prison officers and can help redeployment to a minimum-security prison where the treatment is better with 5 cases, the other 5 cases were those pretending to be a lawyer, a judicial officer, an investigation officer, a policeman, a section member of the district prosecutors office, used these identities to assist in handling affairs, and defrauded the victims of money afterwards; there were 17 cases belonging in the "education" category, of which 13 cases violated the offenses of fraud, most of which are teachers at national universities and public senior high school principals embezzling travel subsidies, travel expenses, assistant salaries, class hourly fees, and so forth, while the remaining 4 cases are where school personnel are suspected of criminal charges, such as violating the

offenses of embezzling properties possessed during official matters or public service, offenses of embezzling properties possessed during business, and offenses of forging private documents; the 7 cases in the "spoil of land conservation" category are all usurping cases with offenses of usurping state-owned land; the referred criminal charges of the rest of the cases are offenses of fraudulently filling business documents, offenses of unauthorized usage of official seal or imprint, and so forth. 36 cases were referred by other laws, which accounted for 14% (36 cases/258 cases), where 22 cases pertained to the Waste Disposal Act under the "environmental protection" category, a total of 9 cases pertained to the Slope Land Conservation and Utilization Act, Soil and Water Conservation Act, Regional Planning Act, and so forth under the "spoil of land conservation" category, 4 cases pertained to the Attorney Regulation Act under the "judiciary fraud" category, where those without lawyer qualifications solicited and handled litigation cases in the name of a lawyer, and there is 1 case under the "others" category, where Mountain Rat Group committed the offenses of illegally logging state-owned forests of the Forestry Act.

Table 2-06 depicts the case count statistics on cases referred between 2008 and 2012 classified by "key applicable laws," and Figure 2-02 depicts case count statistics by percentage on cases referred in 2012 classified by "key applicable laws."

Of the anti-corruption type cases the Bureau had investigated and processed, those that fell under the Anti-corruption Act has consistently ranked the highest, followed by those under the Government Procurement Act and the Criminal Code. In terms of 2012, 200 cases were referred by the Anti-corruption Act, which accounted for 41.8% out of all cases referred (200 cases/478 cases), 159 cases were referred by the Government Procurement Act, which accounted for 33.3% out of all cases referred (159 cases/478 cases), and 83 cases were referred by the Criminal Code, which accounted for 17.4% out of all cases referred (83 cases/478 cases); only 36 cases were referred by other laws, which accounted for 7.5% out of all cases referred (36 cases/478 cases), which largely pertained to non-corruption/malfeasance cases, of which the Waste Disposal Act was one of the key applicable laws on environmental conservation criminal cases, which ranked fourth place over the past five years.



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Table 2-07 depicts the head count statistics on cases referred between 2008 and 2012 classified by "key applicable laws," and Figure 2-03 depicts head count statistics by percentage on cases referred in 2012 classified by "key applicable laws."

The head count on suspects referred by the Anti-corruption Act in 2012 was 825 individuals, which accounted for 45.1% of all suspects referred (825 individuals/1,830 individuals), those referred by the Government Procurement Act was 535 individuals, which accounted for 29.2% of all suspects referred (535 individuals/1,830 individuals), and there were 354 individuals that breached the Criminal Code, which accounted for 19.3% of all suspects referred (354 individuals/1,830 individuals). Of the ranking on suspect count referred between 2008 and 2011, except for 2010, the figures coincided with that of 2012 in principle, which were in the order of the Anti-corruption Act, the Government Procurement Act, and the Criminal Code, as to those referred by the Waste Disposal Act, the number was fairly significant, and has been ranked in the fourth or fifth place in the past five years. In 2012, 35 individuals in 12 cases were referred by the charges stipulated under Article 71 of the Business Accounting Act, which ranked fifth place of that year, most of which are the persons in charge or accountants of a company, except that the key suspects of said 12 cases have violated laws, such as the Anti-corruption Act or the Criminal Code.

Table 2-08 depicts the cases referred by the Anti-corruption Act and the state of applicable charges between 2008 and 2012. Said table shows that the top three in the case referral rankings were Subparagraph 4, Paragraph 1, Article 6; Subparagraph 2, Paragraph 1, Article 5; and Subparagraph 5, Paragraph 1, Article 4, and that the state of rankings has been identical for the past five years.

In 2012, those referred by the Anti-corruption Act as the key applicable law totaled to 200 cases, and among them, the most were referred by Subparagraph 4, Paragraph 1, Article 6 of the same law "offenses of profiting on matters under one's administration or supervision" with 50 cases, followed by those referred by Subparagraph 2, Paragraph 1, Article 5 "offenses of defrauding monetary property by seizing the opportunity of one's position" with 46 cases, and trailed by those referred by Subparagraph 5, Paragraph 1, Article 4 "offenses of accepting bribes and breaching one's duties" with 39 cases, then those referred by Subparagraph 3, Paragraph 1, Article 5 "offenses of accepting bribes

without breaching one's duties" with 31 cases, then those referred by Subparagraph 3, Paragraph 1, Article 4 "offenses of fraud on one's project or procurement under management" with 15 cases, then those referred by Subparagraph 1, Paragraph 1, Article 4 "offenses of embezzling public monetary property" with 10 cases, then those referred by Subparagraph 2 of the same Paragraph and Article "offenses of blackmailing for or embezzling monetary property by relying on one's power" with 7 cases, then those referred by Subparagraph 3, Paragraph 1, Article 6 "offenses of embezzling non-public, private monetary property" with 1 case, and, lastly, those referred by Subparagraph 5, Paragraph 1, Article 6 "offenses of profiting on matters not under one's administration or supervision" with 1 case.

Among the 50 cases referred by "offenses of profiting on matters under one's administration or supervision," cases that fell under the public works category and were related to government procurement totaled to 15 cases, cases that fell under the procurement category totaled to 11 cases, where the criminal conducts primarily pertained to: knowingly aware that a bidder was engaged in bid rigging, license borrowing, or unqualified, yet took no action, and escorted the bidder to secure the bid; knowingly aware that a contractor was jerry building during construction, and the property payments or the services provided are inconsistent with the tender specifications, yet still allowing it to pass the acceptance inspection and letting the contractor to successfully obtain the payment; should have confiscated the huge bid bond, but, instead, returned it to the contractor illegally; circumventing related stipulations set forth by the Government Procurement Act by trying to allow a project or a procurement to be executed by a specific designated contractor. The remaining 24 cases, divided by case count from the most to the least, pertained to "others" with 10 cases, police administration with 6 cases, subvention with 2 cases, and various categories, such as judicial corruption and malfeasance, construction management, land administration, education, motor vehicle management, and environmental protection, each with 1 case, where the criminal conducts primarily pertained to: civil servants have the right of substantially review public application matters (e.g. building permits, parking lots, disaster relief funds, leasing of public venues) during official business, however, still purposefully letting the applications pass, when these are false joint meetings or false judgments, and originally part of the content should



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be removed or the whole case rejected according to law, so that the applicants could then obtain illicit gains; and also carrying out profiting situations, such as failing to collect the full regulation fee amount mandated to be collected, failing to fine the full penalty amount mandated to be fined, failing to investigate and crackdown as mandated by law.

"Offenses of defrauding monetary property by seizing the opportunity of one's position" is a common corruption/malfeasance crime civil servants often commit, where the criminal conducts can roughly be summarized into two types, one being to embezzle public funds from relevant agencies by using figureheads, invoices, or other proof of receipt, and the other being to defraud the public's money by seizing the public's unfamiliarity with civil servants' job content, scope of authority, or operating guideline, the majority is usually of the first type, where the suspects had the power or opportunity to make claim for funding, and knowingly aware that no funds were paid in advance or no event was staged, has opportunistically presented fake receipts and false photographs to request for reimbursements, and by such means, defraud monetary gains. Among the 46 cases referred in 2012: A. Those involving government procurement operations all belong to the first type of criminal conduct, which are mainly from the research projects that were entrusted to the teachers at national universities by the National Science Council to process, with 17 cases, where they declared the funds of false invoices obtained from companies; in form, they purchased research laboratory equipment or goods, but, in reality, purchased personal household items, or didn't even purchase products and just pocketed the declared amount. There is also the handling of the procurement of research equipment or medical equipment by public hospital personnel, with 3 cases, using the same aforesaid approach to embezzle public funds. B. Those not involving government procurement operations were categorized in judicial corruption and malfeasance, police administration, correction, taxation, education, environmental protection, public welfare subsidy, subvention, and others. The criminal conducts belonging to the first type include 1. Declaring with an agency travel expenses, food expenses, overtime pay, hourly fees of lecturers, fuel fees for official vehicles, village/li rudimentary working funds, and so forth, that were inconsistent with the truth. 2. Colluding with members of the public to produce false on-site survey records and forged proof to divide the grants for Typhoon Morakot waterproof

gates during, housing reconstruction incentive grants for aborigines, and so forth; the criminal conducts belonging to the second type include 1. A prosecutor misleading a victim, whose one year prison sentence by the court is certain, by saying that using influence, related personnel could be persuaded to exempt the execution of the sentence, and meets the victim, who has already absconded abroad and is wanted by the prosecutors office, in Hong Kong and after collecting USD \$30,000 from the victim and deposited it into his or her own personal bank account in Hong Kong; however, the wanted has never been revoked, so the victim had to stay abroad for the long-term. 2. Knowingly aware that according to law the affected population originally did not need to pay fines; however, the tax collector exaggerated the influence through his or her positional power, and misled by saying that his or her colleague could be persuaded to reduce or even waive the amount of overdue tax and fines from the gift tax evasion, and following the identification of this case by taxation authorities later on as having impunity, he or she still collected a "service fee" of TWD \$100,000 from the affected population according to the prior agreement.

In 2012, there were 39 cases in which civil servants were found "breaching one's duty by demanding, agreeing promissorially to, or accepting bribery," where 11 cases fell under the public works category, most of which the suspects supervising or undertaking public works used their authority of grasping contracting information, supervision, and acceptance inspection to demand tens to hundreds of thousands of dollars from contractors, some requested the contractors to take them to wine-shops with female escorts, and used illegal acts, such as leaking out the name list of the competing contractors, leaking out the name list of the evaluation committee, not finding fault in the quality of defective works, knowingly aware of jerry building and yet still allowing it to pass the acceptance inspection, and after deliberately cutting the works into dozens of minor works costing TWD \$100,000 or less and designated the bribing contractors to undertake the works "according to the law" as considerations. 11 cases fell under the police administration category, which primarily pertained to unscrupulous policemen collecting cash from operators, such as casino operators, sex trade operators, or tractor and trailer operators, and used leaking out mandated confidential information, such as rummage duty times, and escorting without investigating and interdicting the misdeeds as considerations. Followed by those in the procurement category with 6 cases, which separately pertained to 4 cases with public hospitals, and 1 case each with military unit and central government



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agency, where all instances involved the procurement case processor or supervisor, where by colluding with contractor and also accepting bribery, used bloating the budget, bid rigging, or leaking out the requirements, specification, base price, and so forth, to assist the contractor in securing the bid, escorting a contractor to pass the acceptance inspection, while knowingly aware that the contractor's contact work does not comply with the tender criteria as considerations. The categories referred under this criminal charge also include correction, construction management, land administration, custom affairs, funeral and interment, environmental protection, rivers and gravel management, and "others," where the criminals breached one's duties with accepting bribes as considerations, for example: jail administrators violated the provisions by sending messages or assisting in the entrainment of prohibited controlled substances for inmates being held incommunicado, personnel of the construction section, district office going easy on the inspection and reporting of illegal buildings by the method of untruthfully filling out of forms, customs officials knowingly aware that the container contents are produce, such as bamboo shoots that have not been allowed to be imported, but still granted customs clearance, city mortuary services office personnel permitting specific person to illegally expand cemeteries and graveyards, leader of the Township Office cleaning team covering up for the illegal dumping at closed and deactivated public landfill of industrial waste removal operators.

In 2012, there were 31 cases in which civil servants were found "demanding, agreeing promissorily to, or accepting bribery for the conducts in duty." The difference between this criminal charge and the aforesaid "breaching one's duty by demanding, agreeing promissorily to, or accepting bribery" is that although the civil servants accepted bribery, the processing and results of government duties do not violate the laws and are still within their positional power, except basing solely their discretionary power, they still have a significant impact on matters of interest for bribers. In addition, originally, the law does not punish the bribers. The president promulgated the amendments to the Anti-corruption Act on June 29th, 2011, where those bribers whose request "will not let the civil servant breach his duties" are given less than three years of imprisonment, it is still less compared to those whose request "will let the civil servant breach his duties" and are given more than one year but less than seven years of imprisonment. Of the 31 cases referred under this criminal charge, there were 6 cases involved in government procurement matters in the public works category and

13 cases in the procurement category, where most of the mindsets of the bribing contractors were that they "will be blessed because of having prayed." Most of those that gave bribes once having won the bid hope that the compliance period is successful, and things are not made difficult, and those that gave bribes after acceptance inspection hope either that the tendering agencies can make the payment as soon as possible or that they can reserve the "room for cooperation" for the next time. Out of the 13 cases in the procurement category, the subjects accepting bribes of 8 of the cases were superintendents and specialist directors of the Department of Health hospitals, and the criminal conducts include directly collecting a fixed amount of money, and also using the name of spouse adding dry stocks free of charge and then receiving "corporate dividends" periodically. There were 12 cases not involving government procurement matters, where the criminal conducts can be divided into three categories: A. Involving competent personnel rights, such as after township magistrates and president of the irrigation association collect hundreds of thousands of dollars from the staff members or the public, they "sell official position" to those intending to be promoted or "sell job openings" to the public, friends, and relatives. B. Involving the processing speed of government duties, this bribe payment is commonly known as the "express fee," such as technicians of County Government public works bureau and the urban planning division of the urban and rural development bureau undertake affairs, such as the issuance of building use permits, the inspection of public facilities, and the conversion of land category, after accepting the money from the operators applying for permit, speeds up the processing of the application cases. C. Involving the positional power of the suspects, such as a township mediation committee member demanding a "service fee" from the parties of the accident disputes and legislators using their positional power to call together central relevant ministries and commissions to hold a "coordination meeting" and accepted the money paid by the requesting operators.

Among the 15 cases referred by "offenses of fraud on one's project or procurement under management," 8 cases fell under the public works category, and 7 cases fell under the procurement category, where the former had 2 cases occurring in projects tendered by Township/City offices, and the remaining 6 cases separately pertained to County Governments, central government agencies, public schools, and the Armaments Bureau, Ministry of National Defense, where the



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criminal conducts primarily pertained to collecting kickbacks of a certain percentage of the project funding from the contractor, with as little as 5% and as much as 30%, and the means of fraud largely pertained to bloating the project budget, leaking out mandated confidential tender information, such as base price and so forth, colluding with the contractor for license borrowing or bid rigging, deliberately going easy on the acceptance inspection, and so forth. As for the 7 cases in the procurement category, 2 cases pertained to Department of Health hospitals' requisitioning for medical devices, the rest were the processing of the procurement of biological and chemical instruments by national university teachers, the processing of the procurement of garbage trucks by the Township Office through the joint supply contract, the processing of the procurement of electromechanical equipments by the Taiwan Water Corporation, the procurement of hog auctioning management systems by the meat market Co., LTD. that are 70% funded by the City Government, the processing of the procurement of high-performance speedboats by the Armaments Bureau, Ministry of National Defense, where the means of fraud were similar to those in the cases aforesaid in the public works category, most of which were false declaration of the procurement amount.

"Offenses of blackmailing for or embezzling monetary property by relying on one's power" is where civil servants count on the public authority they hold due to the close-knit correlation to the general public's equity, or exercise its functions with considerable discretionary power, in other words, it is a form of crime using forceful means for the public's surrender of willpower and also to obtain monetary property through these means, and in the 7 cases referred in 2012, most of which were elected representatives, under the guise of having substantial power to boycott proposals in the conference hall, to demand that administrative agencies intervene, investigate, and handle, or to mobilize on-site public protests, blackmailed operators for money. There was a special case where the suspect was an Association of Excess Construction Soil chairman of a municipality, who according to the autonomous statutes of said municipality, is commissioned by the City Government to process the public affairs, such as the verification and approval of the excess construction soil operating plan of the operators, the production and issuance of delivery certificate manifests, and the examination and inspection of the direction of soil flow. In nature, this belongs to Article 10 of the Criminal Code on quasi civil servants, knowing well that the

related operators mostly hold the mentality of avoiding project delays which cause significant losses, where being dependant on his or her authority, demands any construction or civil engineering operators involved in the clearance and transportation of mud within its jurisdiction to transport mud through the clearance and transportation company designated by him or her to several debris resource-handling fields designated by him or her, and forced the resource-handling fields to be contrary to the market conditions through the establishment of the "Mud Destination Certification" fee and aggressively pushing it high and demanding the spread between the prices, and have accumulated more than TWD \$33,000,000 through blackmail within two years.

Article 6-1 is commonly known as "offenses of civil servants having property from unidentified sources," the constituent elements were rather strict when this was updated on April 3rd, 2009, and since its implementation, concrete results have not been apparent. Substantial amendments have been made on November 23rd, 2011, the criminal subjects not only include the civil servants committing criminal charges stipulated from Article 4 to Article 6 of the Anti-corruption Act, but also those specially cited offenses in the Criminal Code and the Organized Crime Prevention Act, and the rest of the constituent elements were broadened to "from the time of the civil servants' alleged crimes and for the following three years, if there are obvious situations where the civil servants themselves, their spouses, and minor children have an increase in property that do not correspond with their income, and they haven't given any proper justification or explanation, are unable to provide reasonable explanations, or have given false explanations, when discovered by the prosecutor during investigation, they will be ordered to provide an explanation for the property from suspicious sources." However, with having just implemented the new law, the Bureau still did not have any cases referred to the prosecutor's office through "offenses of civil servants having property from unidentified sources" to be investigated and processed in 2012.

Table 2-09 depicts the cases referred by the Criminal Code and the state of applicable charges between 2008 and 2012. Said table shows that the most referred cases were by Paragraph 1, Article 339, offenses of fraud (illegally gaining properties), and that the state of the rankings had been identical for the past five years.



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In 2012, "corruption/malfeasance cases" referred by the Criminal Code as the key applicable law tallied to 20 cases, and "non-corruption/malfeasance cases" to 63 cases, totaling 83 cases, where the former largely fell under offenses of Malfeasance in office under Chapter 4 or offenses of forging instruments or seals related to official documents under Chapter 15 of the Criminal Code, and the latter largely fell under offenses of property crime under Article 320 through Article 342 or offenses of forging instruments or seals related to private documents under Article 15 of the Criminal Code.

In 2012, most cases were referred by Paragraph 1, Article 339 "offenses of fraud (illegally gaining properties)" of the Criminal Code with 34 cases, which accounted for 41% of all criminal cases (34 cases/83 cases), most of which were judicial broker fraud cases and public school teachers personnel expense embezzlement cases, as previously mentioned. Followed by those referred by Article 342, offenses of abuse of trust, of the Criminal Code with 10 cases, which accounted for 12% (10 cases/ 83 cases), with one example: where the person in charge of the vendor that secured the bid for the "Construction and Technical Services for Solar Power Applications and Energy Conservation Settings" labor service procurement case of a junior high school in Kinmen County, in order to profit oneself with illicit gains, demanded the business manager of a known listed company intending to fight for the supply of photovoltaic module to raise the quote of the materials, so as to bloat the project budget, with implications of helping said listed company to become the engineering material supplier; however, a kickback of TWD \$100,000 needs to be paid after things are accomplished, which resulted in the damage of the properties of said junior high school. There are also 7 cases of usurping national land that violated Paragraph 2, Article 320, offenses of larceny of real estate, of the Criminal Code, 6 cases that violated Paragraph 1, Article 132 " offenses of a civil servant disclosing a non-state secret (excluding national defense secrets) without authorization" of the Criminal Code, where the leaked out secrets include the name list of the government procurement evaluation committee, computer-searched information, such as rummage duty information of policemen and police household registration and conscription, the identity of the informant, and so forth.

Table 2-05 Statistics of Key Applicable Laws on Cases Referred in 2012

(By Categories)

Unit : case

Applicable laws		Anti-corruption Act	Government Procurement Act	Criminal Code	Others	Total
Category						
Corruption/ Malfeasance	Public works	44	—	2	0	46
	Procurement	60	—	1	0	61
	Judicial corruption and malfeasance	2	—	1	0	3
	Police administration	21	—	3	0	24
	Fire fighting	0	—	2	0	2
	Correction	3	—	1	0	4
	Urban planning	1	—	0	0	1
	Construction management	5	—	0	0	5
	Land administration	2	—	0	0	2
	Taxation	1	—	1	0	2
	Custom affairs	1	—	0	0	1
	Financial affairs	0	—	0	0	0
	Medical care	0	—	0	0	0
	Education	5	—	2	0	7
	Company registration	0	—	0	0	0
	Motor vehicle management	2	—	0	0	2
	Funeral and interment	1	—	1	0	2
	Environment protection	5	—	0	0	5
	Spoil of land conservation	0	—	0	0	0
	Rivers and gravel management	1	—	0	0	1
	Public welfare subsidy	1	—	0	0	1
	Subvention	4	—	0	0	4
	Others	41	—	6	0	47
	Sub-total	200	—	20	0	220
Non-Corruption/ Malfeasance	Public works	—	61	8	0	69
	Procurement	—	98	7	0	105
	Judiciary fraud	—	0	10	4	14
	Medical care	—	0	1	0	1
	Education	—	0	17	0	17
	Environment protection	—	0	0	22	22
	Spoil of land conservation	—	0	7	9	16
	Others	—	0	13	1	14
	Sub-total	—	159	63	36	258
Total		200	159	83	36	478

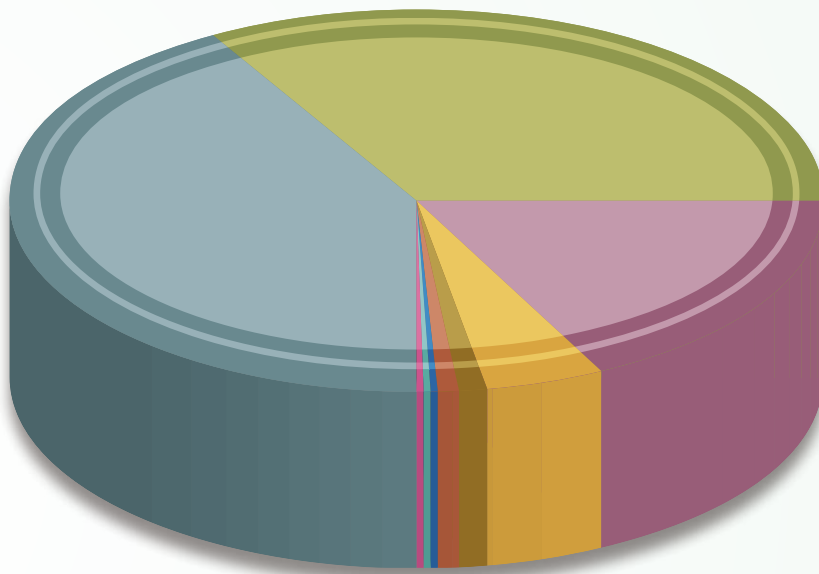


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Table 2-06 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years
(By No. of Cases)

Law	2008		2009		2010		2011		2012	
	No. of cases	%	No. of cases	%	No. of cases	%	No. of cases	%	No. of cases	%
Anti-corruption Act	289	51.6%	270	45.0%	217	39.8%	247	42.9%	200	41.8%
Government Procurement Act	148	26.5%	185	30.9%	200	36.8%	177	30.8%	159	33.3%
Criminal Code	101	18.1%	113	18.9%	110	20.2%	120	20.9%	83	17.4%
Narcotics Control Act	0	0.0%	1	0.2%	0	0.0%	1	0.2%	0	0.0%
Guns, Ammunition and Knives Controlling Act	0	0.0%	1	0.2%	2	0.4%	0	0.0%	0	0.0%
Smuggling Punishment Act	1	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Civil Servant Service Act	0	0.0%	0	0.0%	2	0.4%	0	0.0%	0	0.0%
Waste Disposal Act	4	0.7%	12	2.0%	4	0.7%	13	2.3%	23	4.8%
Forestry Act	1	0.2%	1	0.2%	1	0.2%	1	0.2%	1	0.2%
Soil and Water Conservation Act	2	0.4%	2	0.3%	1	0.2%	5	0.9%	2	0.4%
Slope Land Conservation and Utilization Act	4	0.7%	3	0.5%	4	0.7%	1	0.2%	1	0.2%
Urban Planning Act	0	0.0%	1	0.2%	1	0.2%	0	0.0%	0	0.0%
Regional Planning Act	4	0.7%	2	0.3%	1	0.2%	8	1.4%	5	1.0%
Attorney Regulation Act	1	0.2%	2	0.3%	1	0.2%	1	0.2%	4	0.8%
Water Act	0	0.0%	1	0.2%	0	0.0%	0	0.0%	0	0.0%
Act Governing Relations Between Peoples of The Taiwan Area and The Mainland China Area	1	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Tax Collection Act	3	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Act on Recusal of Public Servants Due to Conflicts of Interest	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Mortuary Service Administration Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Personal Materials Protection Act	—	0.0%	2	0.3%	0	0.0%	0	0.0%	0	0.0%
The Classified National Security Information Protection Act	—	0.0%	1	0.2%	0	0.0%	0	0.0%	0	0.0%
Political Donations Act	—	0.0%	2	0.3%	0	0.0%	0	0.0%	0	0.0%
Total	559	100.0%	599	100.0%	544	100.0%	574	100.0%	478	100.0%

Figure 2-02 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2012
(By No. of Cases)



● Anti-corruption Act (41.8% )	.....	200
● Government Procurement Act (33.3% )	.....	159
● Criminal Code (17.4% )	.....	83
● Waste Disposal Act (4.8% )	.....	23
● Regional Planning Act (1% )	.....	5
● Attorney Regulation Act (0.8% )	.....	4
● Soil and Water Conservation Act (0.4% )	.....	2
● Slope Land Conservation and Utilization Act (0.2%)	1
● Forestry Act (0.2%)	1

Total.....478

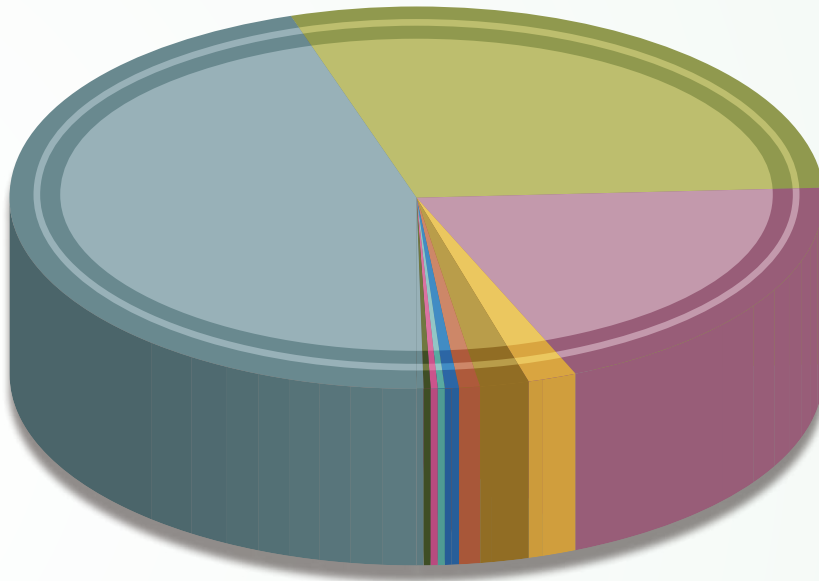


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Table 2-07 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years
(By No. of Suspects)

Law	2008		2009		2010		2011		2012	
	No. of suspects	%	No. of suspects	%	No. of suspects	%	No. of suspects	%	No. of suspects	%
Anti-corruption Act	1321	47.9%	921	40.6%	764	37.8%	874	38.9%	825	45.1%
Government Procurement Act	695	25.2%	774	34.3%	764	37.8%	754	33.6%	535	29.2%
Criminal Code	510	18.5%	437	19.4%	435	21.4%	525	23.4%	354	19.3%
Narcotics Control Act	2	0.1%	5	0.2%	1	0.1%	1	0.05%	5	0.3%
Guns, Ammunition and Knives Control Act	0	0.0%	4	0.2%	10	0.5%	1	0.05%	0	0.0%
Smuggling Punishment Act	18	0.7%	0	0.0%	0	0.0%	4	0.2%	0	0.0%
Communication Protection and Supervisory Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Civil Servant Service Act	0	0.0%	0	0.0%	4	0.2%	0	0.0%	0	0.0%
Waste Disposal Act	25	0.9%	42	1.9%	14	0.7%	17	0.8%	37	2.0%
Forestry Act	2	0.1%	1	0.1%	1	0.1%	2	0.1%	15	0.8%
Soil and Water Conservation Act	3	0.1%	6	0.3%	2	0.1%	10	0.4%	2	0.1%
Slope Land Conservation and Utilization Act	6	0.2%	7	0.3%	8	0.4%	1	0.05%	4	0.2%
Urban Planning Act	0	0.0%	3	0.1%	1	0.1%	0	0.0%	0	0.0%
Regional Planning Act	5	0.2%	2	0.1%	2	0.1%	17	0.8%	9	0.5%
Business Accounting Act	21	0.8%	28	1.2%	9	0.4%	28	1.2%	35	1.9%
Tax Collection Act	130	4.7%	1	0.1%	0	0.0%	3	0.1%	1	0.1%
Money Laundering Control Act	5	0.2%	5	0.2%	3	0.1%	4	0.2%	2	0.1%
Attorney Regulation Act	1	0.1%	3	0.1%	2	0.1%	1	0.05%	6	0.3%
Act Protecting Personal Materials Operated Through Computers	—	—	6	0.3%	0	0.0%	0	0.0%	0	0.0%
The Classified National Security Information Protection Act	—	—	2	0.1%	0	0.0%	0	0.0%	0	0.0%
Political Donations Act	—	—	2	0.1%	0	0.0%	0	0.0%	0	0.0%
Others	9	0.3%	9	0.4%	3	0.1%	2	0.1%	0	0.0%
Total	2,753	100.0%	2,258	100.0%	2,023	100.0%	2,244	100.0%	1,830	100.0%

Figure 2-03 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2012
(By No. of Suspects)



● Anti-corruption Act (45.1% ) .....825	● Attorney Regulation Act (0.3% ) .....6
● Government Procurement Act (29.2% ) ....535	● Narcotics Control Act (0.3% ) .....5
● Criminal Code (19.3% ) .....354	● Slope Land Conservation and Utilization Act (0.2% ) .....4
● Waste Disposal Act (2% ) .....37	● Soil and Water Conservation Act (0.1% ) .....2
● Business Accounting Act (1.9% ) .....35	● Money Laundering Control Act (0.1% ) .....2
● Forestry Act (0.8%)15	● Tax Collection Act (0.1%)1
● Regional Planning Act (0.5%)9	
Total.....1830	



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Table 2-08 Statistics of Key Applicable Articles of the Anti-corruption Act on Cases Referred in the Past 5 Years

Unit : case

Article	Para-graph	Sub-para-graph	Details of the Anti-corruption Act	2008	2009	2010	2011	2012
4	1	1	Larceny or embezzlement of public equipments or properties.	20	15	22	20	10
4	1	2	Obtaining properties by coercion, extortion, conversion or collection on an illegal excuse or by misusing his power and influence.	10	8	9	10	7
4	1	3	False reports about the price or quantity; receiving an unauthorized commission; engaging in other corrupt acts relating to the construction of government projects or the procurement of government equipments or materials.	30	28	23	23	15
4	1	4	Transporting illegal items or evading taxes using public transportation.	0	0	0	0	0
4	1	5	Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for violating, reducing or failing to perform the official or commissioned duties.	39	34	30	28	39
5	1	1	With intent to profit, withdrawing or withholding public funds without authorization; collecting taxes or government bonds in violation of laws.	0	0	0	0	0
5	1	2	Obtaining properties by committing fraudulence through one's position.	49	69	44	61	46
5	1	3	Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for supplying someone with unusual convenience when performing the official or commissioned duties.	26	26	24	21	31
6	1	1	Retaining properties that should be released to people for the intention of making illegal profits.	0	0	1	0	0
6	1	2	Malfeasance for collecting money, land, or property from people.	0	0	0	0	0
6	1	3	Larceny or embezzlement of private equipments or properties possessed by him because of his official position.	4	1	2	6	1
6	1	4	Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits, and still deciding to execute it and finally obtaining the profits. The said "something" should relate to the affairs under his management or supervision.	104	87	58	76	50
6	1	5	Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits by taking advantage of his official position, and still deciding to execute it and finally obtaining the profits. However, the said "something" does not relate to the affairs under his management or supervision.	6	2	3	2	1
6-1			If it is obvious that the increase in property of civil servants do not correspond with their income, with the received orders from the prosecutor, they are to provide explanations for the property from suspicious sources and eventually give no explanations, give unreasonable explanations, or give false explanations.	—	—	—	—	0
11	1		Enticing, dealing or offering bribes or other illegal profits to a civil servant in return for violating, reducing or failing to perform the civil servant's official or commissioned duties.	1	0	1	0	0
Total				289	270	217	247	200

Table 2-09 Statistics of Key Applicable Articles of the Criminal Code
on Cases Referred in the Past 5 Years

Unit : case

Article	Paragraph	Description	2008	2009	2010	2011	2012
125	1	A prosecutor indicting somebody without due authority	1	0	0	0	0
129	2	A civil servant intercepting or embezzling money or objects that should be issued to people	0	1	0	3	0
132	1	A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	3	5	3	15	6
132	2	A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	0	0	1	0	1
138		Destroying or hiding documents, objects supervised by civil servants	1	1	0	0	1
157	1	Luring someone to enter a lawsuit and then taking the case	0	0	1	0	0
163	1	A civil servant releasing a person under detainment or arrest without legal reason	2	0	0	0	0
163	2	A civil servant making a person under detainment or arrest escape due to negligence	0	1	0	0	0
165		Destruction of criminal evidence	1	0	0	0	0
168		Perjury	0	0	2	0	0
210		Forgery of private documents	2	0	0	3	4
211		Forgery of official documents	0	0	1	1	2
212		Forgery of limited kinds of documents	1	2	0	0	0
213		A civil servant fraudulently filling in something on official documents	16	20	15	17	5
214		Causing a civil servant to make fraudulent entries into official documents	6	5	3	1	0
215		Fraudulently filling in something on private documents due to business	6	1	5	3	2
216		Using the forged, falsified, or false information-entry documents	2	3	4	3	0
217	1	Forging a seal, the impression of a seal, or a signature	0	0	0	1	0
218	1	Forging a public seal or the impression of a public seal	0	0	1	0	0
218	2	Using a public seal or the impression of a public seal without authority	0	0	0	0	1
231	2	A civil servant harboring a person who makes others to have sexual intercourse	0	0	0	1	0
266	1	Gambling	0	1	0	0	0
270		A civil servant harboring gambling	0	1	0	0	0
305		Threatening to cause injury to the life, body, freedom, or property of another	0	0	0	1	0
320	1	Larceny	3	9	0	2	0
320	2	Larceny of real estate	4	6	12	5	7
321	1	Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	0	1	1	0	0
335	1	Embezzlement	3	0	0	1	0
336	1	Embezzling properties possessed on the occasion of official matters or public welfare	3	1	1	3	2
336	2	Embezzling properties possessed on the occasion of profession or business	12	13	8	4	4
339	1	Fraud (illegally gaining properties)	27	35	38	38	34
339	2	Fraud (illegally gaining profits)	2	2	2	2	3
339	3	Failure of fraud	1	1	1	0	1
339-1	2	Exercising unlawful control over other's property from a fees-collecting apparatus	0	0	0	1	0
342	1	Abuse of trust	5	4	11	15	10
Total			101	113	110	120	83



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3. Statistics on Suspect Demographics

Table 2-10 depicts the statistics on the identity and gender of suspects in cases referred between 2008 and 2012, and Figure 2-04 depicts the gender ratio of suspects of a variety of identities referred in 2012. Among the 1,830 suspects referred in 2012, male suspects tallied to 1,523 individuals, which accounted for 83.2% (1,523 individuals/1,830 individuals), male suspects of high-, middle-, and low-ranking civil servants accounted respectively in each category for 89.3% (92 individuals/103 individuals), 92.5% (247 individuals/267 individuals) and 92.3% (120 individuals/130 individuals), where the ratio of male suspects in corruption/malfasance cases was obviously higher than that of female suspects, and the same phenomenon also appeared in the data of past years.

Figure 2-05 depicts the statistics on the ratio head count of civil servants of all ranks, quasi civil servants, elected representatives, and related public servants referred between 2008 and 2012. In 2012, middle-ranking civil servants accounted for the highest proportion with 41.4%, followed by low-ranking civil servants with 20.1%, and trailed by quasi civil servants with 19.4%, with elected representatives being the lowest with 3.1%. The proportion trend in 2012 is obviously different when compared with the past 4 years; there was a substantial increase in the proportion of quasi civil servants, the reason being that the Bureau investigated and processed numerous cases in 2012, where national university teachers declared the funds of false invoices and sales vouchers, and up to 82 teachers were referred. Because said teachers who used public funds (including government grants and school funds) to engage in scientific and technological research, because they concurrently handled procurement and acceptance inspection, the Supreme Prosecutors Office firmly believed that this belonged to the authorized civil servants as stated in the provisions of the latter part of Subparagraph 1, Paragraph 2, Article 10 of the Criminal Code, which is what this yearbook calls quasi civil servants.

Table 2-11 depicts the key applicable laws adopted on suspects of various types of identities referred in 2012.

In 2012, civil servants of various ranks, quasi civil servants, and elected representatives referred by the Anti-Corruption Act totaled to 551 individuals, making it the most widespread applicable law on public servants with alleged corruption/malfeasance crime. Among the 274 "non public servants" referred by the same law, 134 individuals colluded with civil servants to commit corruption/malfeasance crime as stipulated under Article 4 through Article 6, 1 individual committed offenses of buying property obtained through corruption as stipulated under Article 15, and 139 individuals committed offenses of bribery as stipulated under Article 11, where bribing subjects included: personnel responsible for procurement and those in public enterprises, such as county mayors, legislators, township magistrates, township elected representatives, staff members in City and County Governments in matters related with irrigation, public works, civil affairs, and general administration (such as directors, chiefs, technicians, commissioners, and so forth), Township/City Office staff members (such as executive directors, construction section chiefs, technicians, mediation committee members, contracted staff, and so forth), commissioners of Industrial Development Bureau, Ministry of Economic Affairs, commissioners of Bureau of Mines, Ministry of Economic Affairs, engineering officers of Directorate General of Highways, Ministry of Transportation and Communications, technicians of Forestry Bureau, Council of Agriculture, Executive Yuan, section members of National Park Services, technicians of the General Affairs Department, Legislative Yuan, policemen, firemen, jail administrators, president of the irrigation association, superintendents of public hospitals, or principals of public elementary and junior high schools.

In 2012, only 1 public servant was referred by the Government Procurement Act, where the case was a township elected representative simply borrowing someone else's license to bid on projects tendered by a Township Office, which is not related with his or her duties and positional power; however, 534 non-public servants were referred by said law. The number of suspects referred by this law is 535 individuals, which accounts for 29.2% of the total referred individuals (535 individuals/ 1,830 individuals), the proportion is quite high. The same situation appeared repeatedly in the Bureau's anti-corruption yearbook's statistical information from 2003 to 2011, which highlights the unscrupulous trend of how certain individuals, in a bid to secure



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government projects or procurement cases, would attempt to secure the bid through scheming and manipulation still haven't reduced.

Table 2-12 depicts the statistics on the education of suspects of all types of identities referred in 2012. When eliminating the portion of unknown education, the table shows that the higher the rank of the civil servants involved in the case, the higher their education was likely to be, while the education of the elected representatives tend to be lower than that of the administrative agency civil servants, with a majority holding a junior high school degree or lower, a majority of the non-public servants held high school degrees, followed by those who held university degrees; as compared with the previous years, the number of those with university degrees have gradually increased. Out of the 315 individuals with at least a master's degree, 104 were quasi civil servants, where close to 100 were public university teachers, and many of them holding a doctorate degree, due to having been entrusted to process research projects by the National Science Council, and were involved in corruption/malfeasance by using receipts, such as false invoices, to be reimbursed through public funds.

Figure 2-06 depicts the distribution ratio of education among public servants referred between 2008 and 2012.

Among public servants (including civil servants, quasi civil servants, and elected representatives) referred in 2012, 587 individuals were with known education, of whom, those with a master's degree or higher accounted for the most at 39.3% (231 individuals/587 individuals), followed by those with a university degree at 29.8% (175 individuals/587 individuals), and the remainders in order comprised of those holding a junior college degree at 16.7% (98 individuals/587 individuals), those holding a high school degree at 12.3% (72 individuals/587 individuals), and those holding a junior high school degree or lower at 1.9% (11 individuals/587 individuals). The growth and decline in 2012 is significantly different from the previous four years. In terms of the state of education distribution ratio from 2008 to 2011, it is rather similar as a whole, where those with university degree and junior college degree continue to rank in the top two. In 2009, the number with university degree surpassed those with junior

college degree, but the gap between the two has been minimal. The gap increased in 2010, and the number of those with a junior college degree has been on a declining trend. What is noteworthy is that the ratio of public servants with a master's degree or higher has exponentially increased from 14.9% in 2008 to 20.2% in 2011, which is considerably related to the prevalence of local university master and doctoral programs, and the popularity of the lifetime-learning trend in the public service system. In one fell swoop the proportion rose to 39.3% in 2012, the reason being that close to 100 national university teachers with a doctorate degree and holding the identity of a quasi civil servant were referred, so this should be a temporary phenomenon and will not become the norm. However, the ratio of public servants holding only a high school degree has been exponentially reduced from 20.4% in 2008 down to mere 12.3% in 2012, and those holding a junior high school degree or less has been around 6% for the past four years, and has declined to 1.9% in 2012, and is probably related to the general increase of our nation's education.

Table 2-13 depicts the head count statistics on a variety of public-elected public servants referred between 2008 and 2012, and among them, 20 elected representatives of all levels and 42 local self-governance organization heads were referred in 2012, as briefly described below:

- a. There were 3 referrals of legislators, where the criminal conducts separately pertained to: accepting the requests of the contractor, so that said contractor can have a clear competent authority to receive its proposed special commercial operation plan, three inter-ministerial coordination meetings were held to demand amendments to related laws, and after having accepted the payment of millions of dollars from the contractor, asked the Transportation Committee, Legislative Yuan to pass an interim proposal and asked the Executive Yuan in writing to deliberate. Due to the gas expenses being huge when actually managing a hotel, using the reason that the air supply pressure of the gas company that the Veterans Affairs Commission, Executive Yuan (hereinafter referred to as VAC) reinvested in is too high, resulting in the overcharging of fees, besides using one's positional power to call together authorities, such as the Bureau of Energy, Ministry of Economic Affairs, to hold coordination meetings, he or she also boycotted the "Draft of Natural Gas Business Act," so as to put



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pressure on said Bureau to investigate the gas company, and put pressure on VAC through the Congressional Office director, which ultimately caused the gas company to pay millions of dollars to the aforesaid hotel. Colluded with the county mayor at that time, so that the specific contractor can be qualified to develop and promote the public to participate in investment cases, he or she demanded that the consulting firm modify the investment conditions according to the financial situation of said contractor, so as to exclude the other competitors and after having assisted said specific contractor to establish a concessionaire and signed a contract with the County Government, and accepted tens of millions of dollars from said specific contractor.

- b. There were 5 referrals of county/city councilors, where the criminal conducts separately pertained to: misleading contractor by saying that he or she can introduce the contracting of irrigation association project, and after having collected more than TWD \$100,000 from the contractor, no actions were taken; holding the chairman position of a clan association, and violated the autonomous statute that "grants may not be applied more than once for the same activity" of the County Government, falsely added 2 "figurehead" local associations and used the name of processing annual events for clan associations to defraud grant funding; falsely declaring figureheads to collect salary subsidies of councilor assistants; going to the police station to lobby, so that the police officer destroys the investigation records, and letting the unscrupulous sex trade suspects loose; accepting the bribes from urban renewal operators, colluded with Township Office personnel, such as the township magistrate, to set the violation of "Self-Government Ordinances of Land Management of the Township Properties not Within the Jurisdiction of the County" of numerous acts, such as Land Act and Urban Planning Act, and used them to auction more than 1,000 Township-owned land distributed in Taipei City, New Taipei City, Taoyuan County, Taichung City, and Kaohsiung City previously donated to said county by the public for tax savings, where the bid is then won by the aforesaid operator at a value far below the market price.
- c. There were 4 referrals of township council chairpersons, 2 referrals of vice chairpersons, and 6 referrals of councilors, where the criminal conducts sort of include: knowingly aware that one should avoid conflicts of interest according to law, and should not contract Township

Office bidding projects; however, colluded with the county mayor, and through figureheads, went a roundabout way to contract for self-gain; under the guise of having substantial power to boycott in the conference hall or to lead the public to protest, and blackmailed the person in charge of the company for money; using the township magistrate to set aside a part of the annual project budget as "suggestive fund for minor public works" for the each councilor to have full access of, and instructed the undertaker of the Township Office to plan a number of projects to be executed by a specified civil engineering contractor and operator, and then accepted money from the operator; accepting money from Township Office engineering contractors, and used it as an excuse to not find fault in the construction quality; using money to bribe the council chairperson, hoping that the chairperson will use his or her positional power to appoint one's children as regular staff of the council; simply borrowing someone else's license to bid on projects tendered by a Township Office.

- d. There were 6 referrals of county/city mayors, among which 4 of them were in fact the same person, falling under four cases, where the criminal conducts are outlined below: authorizing one's sister on behalf of him/her, who does not have the identity of a County Government staff member, to handle matters, such as the searching of suppliers and the hiring of the evaluation committee, for 20 labor service procurement cases, and leaked out mandated confidential information, such as the name of the procurement case, budget amount, and the name list of the evaluation committee with one's sister to the contractor intending to bid through a middleman, so that the contractor was able to persuade or bribe evaluation committee members, and, therefore, when having successfully won the bid, accepted the bribe given by the contractor transferred by a middleman jointly with one's sister; authorizing one's sister on behalf of him/her to handle matters for the procurement of garbage trucks and recycling trucks and chose the joint supply contractor, and, therefore, after the County Government placed the order for purchase, accepted the bribe given by the vehicle dealer jointly with one's sister; leaking out mandated confidential information, such as contractor qualifications for the restricted tendering procurement case to the contractor intending to bid, and after the contractor has successfully obtained bargaining qualifications, accepted bribes; leaking out mandated confidential name



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list of the selection committee to the contractor. The criminal conducts of the other 2 individuals, are respectively: colluding of the aforesaid legislator with the county mayor at that time, after assisting specific contractor to establish a concessionaire, signed a contract with the County Government, and accepted bribes from the contractor afterwards; so as to hold a celebration event for the opening of a transport service in time, avoided applying the Government Procurement Act, knowingly aware that there is only TWD \$2,500,000 in the County Government budget, but demanded the local associations to co-sponsor through name only, falsely compiling event budget to more than TWD \$5,270,000, and applied for a subsidy of TWD \$2,500,000 from the County Government, and circumvent the provision of "For those whose subsidy amount accounts for more than half of the procurement amount, apply the Government Procurement Act," and said association, then, supported in the production of false expenditure breakdown to be sent to the County Government to request for payment.

- e. There were 15 referrals of township mayors, those related to government procurement operations, for example: before the election of township mayors, in the name of borrowing, accepted money from the contractor, and after having been elected, designated more than 10 minor public works to be executed by said contractor according to prior commitments, but also demanded additional 15% to 21% kickbacks for each project; delaying project payment schedule as a means to demand bribes from the contractor; using tolerating jerry building and escorting through acceptance inspection as the reason to demand bribes from the contractor; knowingly aware that the actual person in charge of the bidder is a township councilor, and should have been avoided according to law, but was still awarded the bid; the bid of a bidder at a soil auction is lower than the base price, and should have originally been judged unqualified according to standard, however, instructed his/her subordinate to alter the price on the bid ticket, and assisted the contractor to win the bid with a price that is a little higher than the base price, and tolerated situations, such as the contractor illegally transporting the amount of soil beyond what is stated in the contract for one's own gain. Other criminal conducts include: concurrently held the position of a chairperson of women association, demanded and forced his/her subordinate to change the official document, so that the "Folk Cultural Study Demonstration

Event" using the public budget expenditure became a disguised form of treating women without public official identity to a tourist activity; after accepting the bribe of a Township Office staff member intending to be promoted, and indeed promoted the briber to the position of a section chief; aforesaid county councilor accepted the bribes of urban renewal operators and colluded with Township Office personnel, such as the township mayor, to illegally sell more than 1,000 Township-owned land cheaply.

- f. There were 21 referrals of village chiefs/li magistrates, where the main criminal conducts were: using proofs, such as false purchase invoices, false inventory of staff attendance, false personnel salary receipts to apply for declaration from funding authorities and embezzle funds, of which funding came from village/li rudimentary working funds, refuse incineration plant feedback funds, and subsidies from County/City Governments or Township Offices, in 1 case involving 10 individuals, the 10 village chiefs/li magistrates whose li is around the refuse incineration plant and that accepted the feedback funds, processed the procurements of surveillance systems, broadcasting systems, electronic subtitle machines, and so forth for their li, all demanded undertaking contractor to give false invoices, to be used to be reimbursed for feedback funds, and to embezzle the amount difference. The rest, such as: processing preliminary examination matters involving grants for Typhoon Morakot waterproof gates, knowingly aware that the applicants do not have residential facts, or the "named" applicant died even before the typhoon, and does not match the provisions for the grants, however, stamped verification approval in the preliminary examination field of the application form; discovering that an operator is going to illegally turn a farmland into a storage yard for building materials and equipment, however, colluded with a township councilor, and demanded payment of money to settle this, stating that both they and the gangsters have taken notice.



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Table 2-10 Statistics of Suspects' Personal Information in Cases Referred in the Past 5 Years (By Status and Gender)

Unit : person

Status Year	High-ranking civil servant		Middle-ranking civil servant		Low-ranking civil servant		Quasi-civil servant		Representative		Non public servant		合計
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
2008	168	16	392	57	359	41	21	4	74	13	1,293	315	2,753
	184		449		400		25		87		1,608		
2009	158	13	293	49	224	50	19	2	57	13	1,171	209	2,258
	171		342		274		21		70		1,380		
2010	89	8	247	19	210	31	24	4	52	4	1,110	225	2,023
	97		266		241		28		56		1,335		
2011	116	11	285	39	201	53	21	8	34	7	1,219	250	2,244
	127		324		254		29		41		1,469		
2012	92	11	247	20	120	10	92	33	16	4	956	229	1,830
	103		267		130		125		20		1,185		
Total	623	59	1,464	184	1,114	185	177	51	233	41	5,749	1,228	11,108
	682		1,648		1,299		228		274		6,977		

Figure 2-04 Bar Chart of Ratios of Suspects' Gender Information on Cases Referred in 2012 (By Status and Gender)

● male ● female

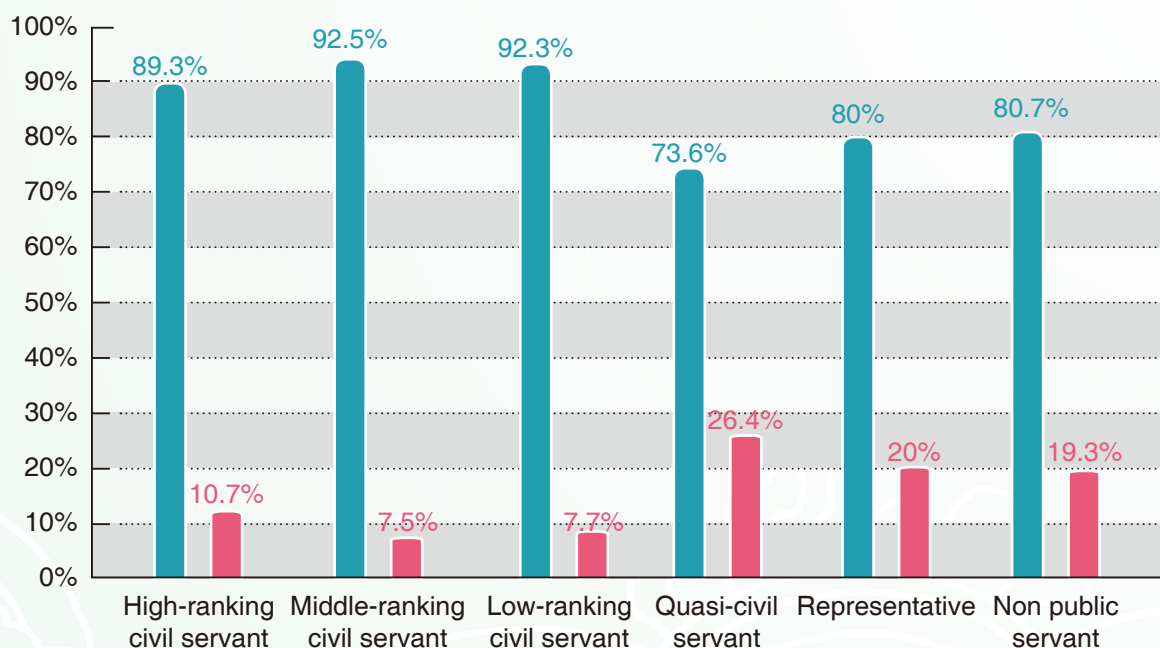


Figure 2-05 Bar Chart of Ratios of Public Servants' Status
Information on Cases Referred in the Past 5 Years

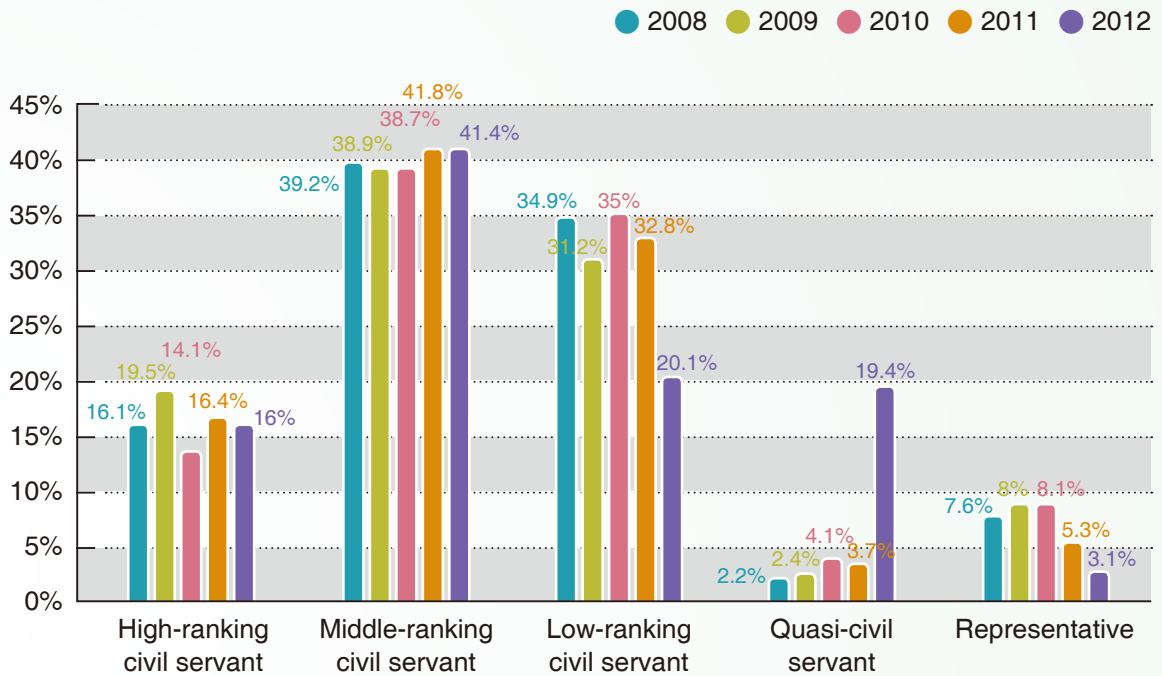


Table 2-11 Statistics of Suspects' Personal Information in Cases Referred in 2012

(By Applicable Laws and Status)

Unit : person

Status \ Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
High-ranking civil servant	83	0	20	0	103
Middle-ranking civil servant	238	0	29	0	267
Low-ranking civil servant	96	0	33	1	130
Quasi-civil servant	117	0	8	0	125
Representative	17	1	2	0	20
Non public servant	274	534	262	115	1,185
Total	825	535	354	116	1,830



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Table 2-12 Statistics of Suspects' Personal Information in Cases Referred in 2012

(By Educational Level and Status)

Unit : person

<div> <div>Educational level</div> <div>Status</div> </div>	Master or above	Bachelor	College	Senior high school	Junior high school or below	Unknown	Total
High-ranking civil servant	54	30	7	5	1	6	103
Middle-ranking civil servant	69	114	42	24	3	15	267
Low-ranking civil servant	2	22	48	34	2	22	130
Quasi-civil servant	104	5	0	3	1	12	125
Representative	2	4	1	6	4	3	20
Non public servant	84	234	194	295	166	212	1,185
Total	315	409	292	367	177	270	1,830

Figure 2-06 Bar Chart of Ratios of Public Servants' Education-level Information on Cases Referred in the Past 5 Years

● Master or above
● Bachelor
● College
● Senior High School
● Junior High School or below

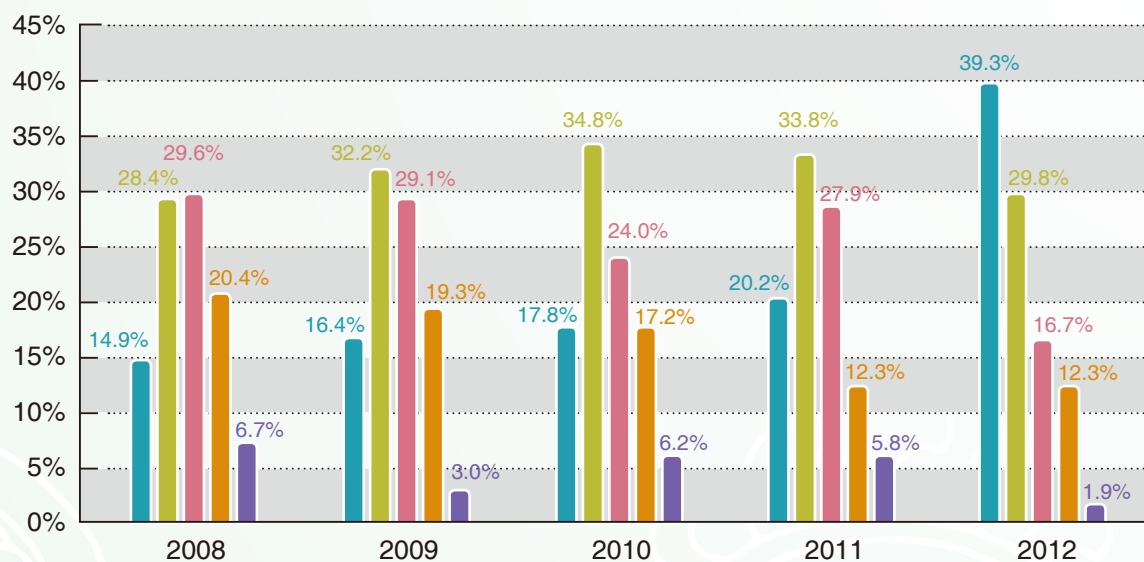


Table 2-13 Statistics of Elected Public Servants Referred in the Past 5 Years Unit:person

Representatives		Suspect count						Principal of local self-governing body	Suspect count					
		2008	2009	2010	2011	2012	Total		2008	2009	2010	2011	2012	Total
Legislative Yuan	Legislator	6	3	1	2	3	15	Mayor of County / City	0	1	0	1	6	8
"County/ City Council"	The Speaker of the Council	4	3	2	0	0	9	Mayor of Township	38	38	36	33	15	160
	The Vice-speaker of the Council	0	0	0	0	0	0	Village Chief	31	18	17	28	21	115
	"County/City Councilor"	16	46	9	9	5	85							
Township Council	Chairperson of the Council	12	6	14	8	4	44							
	Vice-chairperson of the Council	2	1	3	3	2	11							
	Township Councilor	47	11	27	19	6	110							
Total		87	70	56	41	20	274	Total	69	57	53	62	42	283



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B. Statistics on Vote-Buying Cases

Vote-buying cases tallied in the yearbook refer to the cases, following the Bureau's support of the prosecution agency with the investigation and processing, that the prosecutor's office has proceeded to file for public prosecution, applied for summary judgment, by deferred prosecution, or by ex officio non-prosecution, and due to the nature of these cases being different than those referred through the anti-corruption category, thus, the two are tallied separately. Given that the circumstances of applying for summary judgment, deferred prosecution, or ex officio non-prosecution are rulings the prosecutor makes that are applicable to summary procedural cases or minor cases, which in nature are similar to prosecution, where the defendant is deemed to have allegedly committed the crime different from the absolute non-prosecution cases as stipulated under Article 252 of the Code of Criminal Procedure, which the yearbook, for the convenience of description, hereby classifies them as "indictment cases."

1. Statistics on Indictment Cases Over the Years

Elections that the existing law regulates in terms of vote-buying conducts can be divided into two domains, public servant elections and non-public servant elections, where the former encompass nine types of elections, namely the president/vice president, legislators, city mayors, county mayors, township magistrates, village chiefs, city councilors, county councilors, township/city council representatives, while the latter encompass three types of elections, namely the farmers' association representatives and employees, fishermen's association representatives and employees, irrigation association executive directors and commissioner.

The working objectives of the bribery crackdown missions that the Bureau executes are defined according to the differences in categories and nature of the various types of elections by drafting specific project working plans for the respective division holding the purview, where they spearhead the bribery crackdown force, supported by the Navigation Investigation Division and backup manpower from the four region mobile offices from northern, central, southern, and eastern Taiwan, to complete the various project missions with maximum bribery crackdown energy.

Table 2-14 and Table 2-15 depict the statistics on the number of indictment cases on the vote-buying cases the Bureau investigated and processed between 1993 and 2012 and statistics on the number of suspects indicted over the past nine years, where relevant figures in the election year of various types of elections are labeled in red, so as to clearly grasp the bribery crackdown results on various elections over time. Taking 2012 as an example, the figures in black represents those elections that were not held in 2012, the statistical figures pertain to the results of elections held in 2011 or earlier that the Bureau has investigated and gathered evidence, where the prosecutor has indicted the cases in 2012; while the figures in red represents the elections that were held that year, where the prosecutor has indicted the cases that same year.

In 2012, the Bureau's chief mission has been the vote-buying investigation and crackdown on the "13th President and Vice President and the 8th Legislator Elections," which was held on January 14th, 2012. To ensure the transparency and fairness of the elections, the Bureau, upholding the administrative neutrality principle, has drafted investigation and evidence-gathering plans and administrative resource matters, in coordination with the election timetable and the Ministry of Justice's vote-buying investigation working abstract to steadfastly push forward various forms of tasks. For the statistical count up to the end of 2012, there were 30 indictment cases and up to 208 suspects indicted for the 8th Legislator Elections, and there were 5 indictment cases and 8 suspected indicted for the 13th Presidential and Vice-Presidential Elections.

Table 2-14 and Table 2-15 depict 2012 vote-buying cases the prosecutor has brought prosecution directly, or applied for summary judgment, deferred prosecution, or ex officio non-prosecution, which totaled to 46 cases, involving 257 individuals, where the defendants' identities, except the individual per se, often involved a candidate's campaign staffers, family and friends, and supporting members of the public who allegedly gave bribes, and those others who allegedly solicited or accepted bribes.



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Among the 46 indictment cases mentioned above, the bulk pertained to the 8th Legislator Elections held in January 2012 with 30 cases, the rudimentary village chief elections with 6 cases (of which 5 are by-elections), and the 13th Presidential and Vice-Presidential Elections held in January 2012 with 5 cases. Also, 3 cases pertained to the township councilor elections held in 2010, 1 case pertained to the township mayor by-election, and 1 case pertained to the farmer's association election. The general state of indictments is separately described as follows,

a. The Legislator Elections:

30 cases were indicted, which involved 208 individuals. In terms of case count, Kaohsiung City was the highest with 7 cases, followed by Chiayi County with 6 cases, and trailed by New Taipei City, Changhua County, and Taitung County, each with 3 cases; while in terms of defendant count, Changhua County was the highest with 75 individuals, followed by Taipei City with 33 individuals, trailed by New Taipei City with 22 individuals, then Kaohsiung City with 21 individuals, and Chiayi County and Taitung County, both with 17 individuals.

There were 3 cases where the indicted were the legislator candidates themselves, all of which are from aboriginal electoral districts, where 1 case is from Kaohsiung City and 2 from Taitung County, in which 1 case involved the candidate preparing large amounts of cash in the residence in order to buy votes, 1 case involved assisting in providing job opportunities in order to fight for voters' support, and 1 case involved vote-buying with cash.

b. The Village Chief Elections:

Of the 2010 county/city rudimentary village chief elections, 1 case was indicted, which involved 3 individuals, of the 2011 county/city rudimentary village chief by-elections, 4 cases were indicted, which involved 12 individuals, and of the 2012 municipality village chief elections, 1 case was indicted, which involved 3 people. 6 of the cases were cases involving vote-buying with cash. As the village chief elections tend to cover a smaller electoral district, and there are fewer votes, candidates are familiar with each other, rendering electoral grudges to be unavoidable. If a few voters' voting intention can be influenced, it may cause a significant turnaround in the election

results, therefore some candidates or supporters are willing to take the risk to win the elections by attempting to buy votes. With 6 cases indicted in 2012, coupled with 122 cases indicted in 2011 and 56 cases indicted in 2010, it totaled to 184 cases. The number is way higher than the indictment case count of the public servant elections held in the same year (2010), it can be seen that the vote-buying atmosphere of the rudimentary village chief elections is still very rampant, and it is indeed necessary to strengthen the purification of the election culture.

c. The Presidential and Vice-Presidential Elections:

5 cases were indicted, which involved 8 individuals, in which 1 case involved a supporter providing meals free of charge at self-owned store as the price to fight for voters' support of the preferred candidate, 1 case involved an irrigation association workstation manager producing false working record and having committed the offenses of entering false business information so as to mobilize the workstation personnel to participate in the campaign rallies of a specific candidate, and 3 other cases which involve committing offenses of gambling by operating underground election gambles.

d. The Township councilor/Chairperson and vice-chairperson Elections:

3 cases have been indicted, which involved 16 individuals, of which 2 cases pertained to the township councilor elections and 1 case pertained to the township council chairperson/vice chairperson election, where 1 case is from Pingtung County, 1 case from Chiayi County, and 1 case from Hsinchu County, where all were related to monetary vote-buying. 1 case involved the candidate providing funds and commissioning the incumbent county councilor and village magistrate to conduct monetary vote-buying on behalf of him. However, he still lost the election, and the candidate angrily asked the councilor for the payment of the above funds, but failed, and thus, turning himself in to the Bureau and revealed the above situation.

e. The Township Mayor Elections:

1 case was indicted, which involved 4 individuals in a township mayor by-election in 2011. The reason for the by-election is because the newly-elected township mayor won in the



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2009 three-in-one election period due to vote-buying. After being uncovered by the Bureau, the prosecutor filed a civil procedure with "electoral lawsuit for invalid winner," released the elected from duties, and a re-election must be held according to law. The defendant is a staffer of the candidate. Without having paid attention to warnings, and relying on luck, this staffer still tried monetary vote-buying in an attempt to alter the election results. In the end, this person was still investigated and brought to justice by the Bureau.

f. The Farmer's Association Elections:

1 case was indicted, which involved 3 individuals in a farmer's association election in 2009. The defendant of this case is the former chairman of commissioners, where in order to seek re-election, bribed a representative candidate and asked that if elected, to vote for specified board candidates so as to ensure the defendant can get a hold of the majority of the votes from the board representatives in order to be successfully elected. However, when this representative candidate was elected, he was unwilling to continue to cooperate with what the defendant requested, and the defendant intended to forcibly revoke his representative qualification. Therefore, this representative turned himself in to the Bureau and revealed the above situation.

Table 2-14 Statistics of Indicted Vote-buying Cases Investigated
by the Bureau during 1993-2012 (By No. of Cases)

Unit : case

Category Year	President and vice president	Mayor of Taipei/ Kaohsiung	Mayor of county/ city	Mayor of town- ship	Village chief	Legis- lator	Taipei/ Kaoh- siung coun- cilor	Coun- ty/city coun- cilor	Town- ship coun- cilor	Farm- ers asso- ciation	Fisher- men asso- ciation	Irriga- tion asso- ciation	Total
1993	—	—	0	0	0	3	—	0	0	9	1	—	13
1994	—	—	6	12	26	0	—	56	18	3	0	—	121
1995	—	—	1	0	10	6	—	9	8	1	0	—	35
1996	1	—	0	2	0	51	—	0	0	0	0	—	54
1997	0	—	3	1	0	3	—	0	0	42	3	—	52
1998	0	—	12	15	13	8	—	32	9	3	0	—	92
1999	0	—	3	2	4	25	—	1	2	1	1	—	39
2000	6	—	1	0	0	1	—	2	0	1	0	—	11
2001	1	—	9	1	7	41	—	1	7	81	7	—	155
2002	0	—	23	57	98	46	—	141	60	9	1	—	435
2003	2	—	2	7	31	5	—	19	12	3	0	—	81
2004	7	0	0	2	0	20	3	0	0	0	0	—	32
2005	0	0	8	85	1	116	0	143	0	16	0	—	369
2006	1	1	36	94	95	4	3	185	77	1	0	—	497
2007	1	1	5	6	34	1	24	3	16	0	0	—	91
2008	5	0	0	3	8	127	2	2	1	0	0	—	148
2009	1	0	1	9	2	4	0	22	0	60	3	—	102
2010	0	0	14	67	56	4	2	130	49	8	1	11	342
2011	0	0	1	5	122	0	64	1	23	2	0	1	219
2012	5	0	0	1	6	30	0	0	3	1	0	0	46
Total	30	2	125	369	513	495	98	747	285	241	17	12	2,934

Note 1 : Color red indicates a year with election

Note 2 : Before the year 2003, category " Mayor of county/city" includes the election of "Mayor of Taipei/Kaohsiung "; category " county/city councilor" includes the election of "Taipei/Kaohsiung councilor "

Note 3 : Every sort of representatives election includes it's Speaker and vice-speaker campaign such as the Speaker and vice-speaker of Legislative Yuan, the Speaker and vice-speaker of county/city council , township council chairperson and vice-chairperson. Farmers association election includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president .

Note 4 : In addition to the major indictment cases, the statistics also count some cases of summary judgment application, deferred prosecution and non-prosecution ex officio

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Table 2-15 Statistics of No. of Suspects in Indicted Vote-buying Cases

Investigated by the Bureau in the Past 9 Years (By No. of Suspects) Unit : person

Category Year	President and vice president	Mayor of Taipei/ Kaoh- siung	Mayor of county/ city	Mayor of town- ship	Village chief	Legis- lator	Taipei/ Kaoh- siung coun- cilor	Coun- ty/city coun- cilor	Town- ship coun- cilor	Farm- ers asso- ciation	Fisher- men asso- ciation	Irriga- tion asso- ciation	Total
2004	27	0	0	0	0	101	12	0	7	0	0	—	147
2005	0	0	18	417	20	547	0	509	0	133	0	—	1,644
2006	21	3	203	735	407	23	5	1,080	339	9	0	—	2,825
2007	2	16	10	29	258	4	108	19	79	0	0	—	525
2008	28	0	0	8	33	653	3	4	2	0	0	—	731
2009	2	0	2	29	22	29	0	77	0	260	5	—	426
2010	0	0	39	304	172	15	12	773	195	39	2	46	1,597
2011	0	0	11	13	616	0	532	1	80	5	0	1	1,259
2012	8	0	0	4	18	208	0	0	16	3	0	0	257
Total	88	19	283	1,539	1,546	1,580	672	2,463	718	449	7	47	9,411

Note 1 : Color red indicates a year with election

Note 3 : Every sort of representatives election includes it's Speaker and vice-speaker campaign such as the Speaker and vice-speaker of Legislative Yuan, the Speaker and vice-speaker of county/city council , township council chairperson and vice-chairperson. Farmers association election includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president .

Note 3 : Defendants may be candidates, other persons who conducted bribes, bribe receivers or other criminals connected with vote-buying.

2. Statistics on Applicable Articles of Indictment Cases

Of the existing law that bans and also clearly stipulates criminal penalty of the vote-buying conduct, in the domain of public servant elections, the presidential/vice presidential elections are deemed more unique and important, and thus, are independently stipulated in the Presidential and Vice Presidential Election and Recall Act, and for the other types of public servant elections, they are stipulated in the Public Officials Election and Recall Act, and of those not stipulated by said two laws, relevant stipulations in the offenses of interference with voting Chapter of the Criminal Code are applied; in the domain of non-public servant elections, they are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, Fishermen's Association Act, and Organic Act of the Irrigation Association.

Table 2-16 depicts the statistics on key articles applicable to the defendants being indicted in the vote-buying cases and the defendant count in 2012, which is described separately by varied applicable article:

a. Soliciting or Accepting Bribes among Candidates:

As only elections held under a free competing environment can the target of choosing those that are virtuous and capable. Candidates or those with candidate qualifications who swap gains among themselves (commonly known as "smoothing") for one party to give up running for office or step forward to join the race with the malicious intent of diluting the votes of a third candidate (most often, the primary competing rival of the other party), whereby the elected individual is not determined collectively by the voters, but actually manipulated by the party rendering the payout. The law in Taiwan explicitly bans such conduct. The applicable articles vary by the identity of the person soliciting or accepting bribes, which separately fall under Paragraph 1 or Paragraph 2, Article 97 of the Public Officials Election and Recall Act. In 2012, there were two individuals indicted due to violating this Article.

b. Vote-Buying the Voters:

Using the means of treating voters to meals, travel excursion, or gifts, and so forth, for the purpose



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of securing voter commitment, or even resorting to vote-buying by distribution of money, the tactic leads voters to determine their vote not by a candidate's competency and morality, but rather by the amount of gain, which causes the election result to be unfair. As the practice runs against the ultimate purpose of electing the candidate that is able and capable, the law of Taiwan has long banned such type of vote-buying conducts, and in the previous investigation and crackdown projects, the Bureau has consistently enlisted it as the crackdown focus.

In the domain of public servant elections, 98 individuals were indicted and 1 individual was given ex officio non-prosecution on "offenses of soliciting bribes to eligible voters" of the Public Officials Election and Recall Act, 9 individuals were indicted on "offenses of preparing to bribe eligible voters" of the same Act, and 2 individuals were indicted on "offenses of soliciting bribes to eligible voters" of the Presidential and Vice Presidential Election and Recall Act by the prosecutor in 2012.

In the domain of non-public servant elections, 2 individuals were indicted on "offenses of bribing eligible voters" through the Farmers Association Act and 1 individual was indicted on "offenses of eligible voters taking bribes" of the same Act by the prosecutor in 2012.

c. Vote-buying at District Council Chairperson/Vice Chairperson Elections:

Elected district council chairperson/vice Chairperson, such as city/county council speaker and vice speaker, township council chairperson and vice chairperson, command certain administrative power and reputation, and hold significant political influence in their administrative districts, making them much eager for the positions. Article 100 of the Public Officials Election and Recall Act clearly stipulates penal clause on the acts of offering and taking bribes at district council chairperson/vice chairperson elections. 2 individuals were indicted on "offenses of offering bribes to eligible voters at district council chairperson/vice chairperson elections" through Paragraph 1, Article 100 of the same Act and 2 individuals were indicted on "offenses of eligible voters taking bribes at district council chairperson/vice chairperson elections" through Paragraph 2, Article 100 of the same Act by the prosecutor in 2012. This case pertained to township council chairperson/vice chairperson election, where the mastermind was the chairperson candidate himself.

Table 2-16 Statistics of Vote-buying Cases Investigated by the Bureau and Indicted in 2012

(By No. of Suspects and Key Applicable Laws)

Unit: person

Key Applicable Laws		Measures	Indictment	Summary Judgment Application	Deferred Prosecution	Non-Prosecution ex officio	Total
The Public Servant Election and Recall Act	Paragraph 1, Article 97 (Offering bribes to candidates in consideration of quitting the campaign)		1	0	0	0	1
	Paragraph 2, Article 97 (Candidates taking bribes in consideration of quitting the campaign)		1	0	0	0	1
	Paragraph 1, Article 99 (Bribery to voters)		98	0	0	1	99
	Paragraph 2, Article 99 (Preparation for bribing voters)		9	0	0	0	9
	Paragraph 1, Article 100 (Offering bribes to councilors in district council chairperson campaign)		2	0	0	0	2
	Paragraph 2, Article 100 (Councilors taking bribes in district council chairperson campaign)		2	0	0	0	2
Presidential and Vice Presidential Election and Recall Act	Paragraph 1, Article 86 (Bribery to voters)		2	0	0	0	2
The Farmers Association Act	Subparagraph 1, Paragraph 1, Article 47-1 (Voters taking bribes)		1	0	0	0	1
	Subparagraph 2, Paragraph 1, Article 47-1 (Bribery to voters)		2	0	0	0	2
The Criminal Code	Paragraph 1, Article 143 (Voters taking bribes)		44	0	57	0	101
	Paragraph 1, Article 146 (Procuring an incorrect result from voting by fraud or other illegal means)		3	0	0	0	3
	Paragraph 1, Article 165 (Forging, destroying, or concealing evidence in the criminal case of another)		1	0	0	0	1
	Paragraph 1, Article 266 (Gambling in a public place or a place open to the public)		11	3	0	0	14
	Paragraph 1, Article 268 (Furnishing a place to gamble or assembling person to gamble)		15	3	0	0	18
	Paragraph 1, Article 342 (Managing the affairs of another but acting contrary to his duties)		0	0	1	0	1
Total			192	6	58	1	257



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3. Statistics on Vote-buying Modes

Vote-buying cases, by soliciting or accepting bribes, are distinguished by law into two categories, namely "bribery" and "other improper gains," and the purpose that no tangible content has been specified has been to cater to the ever-changing society trends and technological development. To enable candidates and voters to understand the boundaries of legal guidelines, the Supreme Prosecutors Office has promulgated the "Illustrated Vote-Buying Criminal Conduct Examples" for the general public to reference to and abide by, with timely revisions and amendments made alongside the state of practical implementation development, and of the latest amended version on November 14th, 2011, it not only enlisted the 23 types of tangible vote-buying modes the practical legal practicing sector had reached a consensus on, but it had also enlisted the collective provision of "soliciting, promising, or presenting other forms of bribes or improper gains" as type 24, in a bid to prevent any omission, which will curtail candidates or their supporters from having any opportunistic mindsets; however, it does still emphasize that whether a particular conduct constitutes as vote-buying is still subject to rendering by the prosecutor based on the specific circumstances of each case in compliance with the legal stipulations.

By examining vote-buying cases the Bureau has investigated and processed over the years, some of the more common vote-buying modes can be summarized into five major types, namely vote-buying with money, gift giving, food and beverage entertainment, travel entertainment, and funding donations to organizations; Table 2-17 and Figure 2-07 depict statistics on cases the prosecutor has since indicted in the past six years and the cases the Bureau has investigated and processed in 2012 grouped by vote-buying modes, which are separately described as follows:

a. Vote-Buying with Money:

In 2012, 36 cases of money vote-buying cases were indicted, which accounted for 78.3% of the 46 indictment cases in the same year, while a total of 681 cases were indicted in the past six years, which accounted for 71.8% of the 948 total indictment cases, making it difficult to say the proportions were not high, and highlighting how vote-buying voters using money remains an efficient and higher "rate of return" means of vote-buying for candidates or their supporters.

The amount of vote-buying made directly to voters in cash often heels to the unit of five hundred TWD bills or one thousand TWD bills. Probably due to the impact of the overall economic downturn in 2012, there is a declining trend in the amount of cash used in vote-buying. From village chief elections in smaller electoral districts to township councilor/mayor elections, or even legislator and presidential elections, the majority of the votes were around TWD \$500, with a small number of cases reaching TWD \$1,000. The amount of vote-buying was higher only in aboriginal electoral districts compared to the general electoral districts, where a vote can reach as high as TWD \$2,000.

At township council chairperson/vice chairperson elections, the amount for soliciting incumbent councilors with voting rights often heels to the unit of TWD \$100,000, and of the 1 case indicted in 2012, one vote varied between TWD \$200,000 and TWD \$500,000, where a majority was paid in full in one lump sum, while there were instances of prearranged two-time payouts of "deposit" and "post-gratuity."

b. Vote-Buying with Gifts:

There were no gift vote-buying cases indicted in 2012. Said vote-buying mode often entails offering bribe to voters directly on the pretense of paying a visit to voters but is actually for bestowing gift, by which to garner voters' favor and asking voters to vote and support their being elected.

c. Vote-Buying with Food and Beverage:

In 2012, 1 case each of food and beverage vote-buying case on legislator election and presidential election was indicted, totaling 2 cases, which accounted for 4.3% of all indictment cases in the same year, where the briber often resorted to the name of hosting an activity by which to invite members with voting rights and who participated in the event to a complimentary banquet, during which, arrangements are made for the candidate to take the stage to deliver a keynote or toast table by table in canvassing, demanding the attendees' support by voting for the candidate in the future. The event for one case indicted in 2012 was



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a Mid-Autumn Festival barbeque event. The other case involved widely extending invitations to unspecified voters to enjoy food and beverage free of charge at a store.

d. Vote-Buying with Travel Excursions:

There were no travel excursion vote-buying cases indicted in 2012. In recent years, the trend of the usage of the more eye-catching travel excursion as the vote-buying mode has been on the decline.

e. Vote-Buying with Funding Donations:

For the vote-buying cases involving indirect funding donations as means of vote-buying with voters, there were none indicted in 2012.

f. Others:

Among the indictment cases in 2012, there were 8 cases that were hard to be categorized under any of the aforesaid five vote-buying modes, which accounted for 17.4% of all indictment cases of the same year. The election bribery cases involving "improper gains" other than monetary currency totaled to 2 cases, where one provided job opportunities, while the other fought for vocational training subsidies in order to provide welfare measures for the voters. There are five other cases that are merely election-gambling cases.

In the past six years, the number of indictment cases on conventional vote-buying modes, such as through gifts, food and beverage, travel excursion, and so forth has appeared scattered, when compared with vote-buying through money, which can be attributed to how the briber often uses traditional festivity customs or interpersonal decorum exchange as excuse, and thus, as the prosecutors aimed to raise the court's conviction ratios, the threshold of indictment has risen along with it. Nevertheless, the vote-buying using money, both highly secretive and more difficult to gather evidence, had inadvertently ranked top in the number of indictment cases year after year, this can be attributed to two reasons: 1) the Bureau, supporting the government policy over the years, has put its crackdown focus on vote-buying with money, which influences the electoral practices the most, by starting to strategize the crackdown one year prior to the voting date to the complete mobilized investigative crackdown right before the elections, which, on the

one hand, yielded a significant number of vote-buying criminal conducts, and, on the other hand, also served to deter those with opportunistic mindsets; 2) large numbers of the public enthusiastically offers tips on vote-buying with money, which also allow the Bureau to conduct evidence gathering at the opportune time to secure material evidence on vote-buying. For which, active public participation has also been credited as one of the reasons contributing to whether the electoral practices are done transparently and legitimately.

Table 2-17 Statistics of Vote-buying Cases Indicted in the Past 6 Years

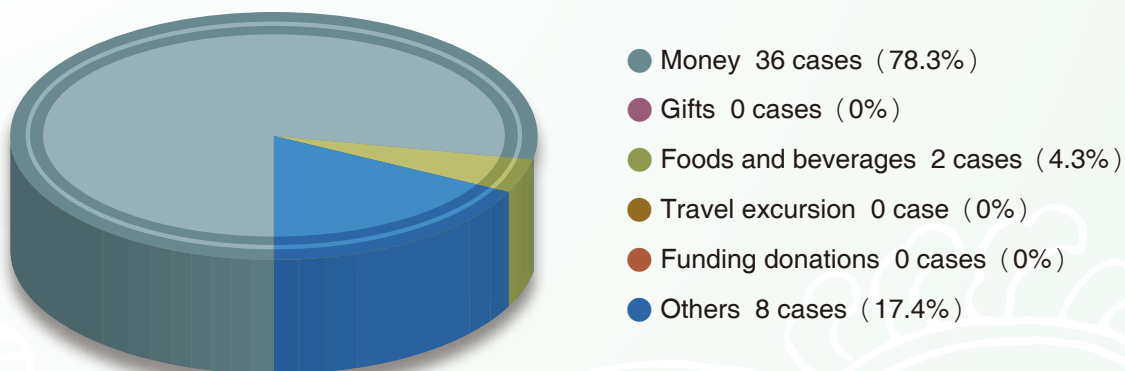
(By Vote-buying Mode)

Unit : case

Type Year	Money	Gifts	Food and beverage	Travel excursion	Funding dona- tions	Others	Total
2007	41	16	12	3	1	18	91
2008	82	17	26	7	7	9	148
2009	71	14	3	4	5	5	102
2010	295	19	4	1	3	20	342
2011	156	22	8	3	5	25	219
2012	36	0	2	0	0	8	46
Total	681	88	55	18	21	85	948

Figure 2-07 Pie Chart of Ratios of Vote-buying Cases Indicted in 2012

(By Vote-buying Mode)





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II. Proficiency Refinement Work

A. Staging Anti-corruption Refinement Seminars

In order to assist internal duty and field duty case-processing associates in becoming familiar with the legal and regulatory stipulations, in enriching investigative and crackdown skills, and in absorbing new case-processing knowledge so as to raise the professional competency of anti-corruption work, the Anti-Corruption Division originally planned to stage two sessions of the "2012 Anti-Corruption Work Refinement Seminar" at the Bureau's management training center on August 15th through 17th, 2012, and 22nd through 24th of the same month for mobilized training of internal duty and field duty section chiefs, deputy directors, secretaries, unit chiefs, and processors, a total of 180 individuals. However, because of a typhoon passing through, we took the traffic safety of the colleagues to and from training into consideration, and switched the first session to be staged on September 5th through 7th, 2012, and the second session to be staged on October 1st through 3rd.

In respect to course planning, prosecutors, and the internal duty and field duty associates of the Bureau with extensive case-processing experience were asked to lecture on topics, such as uncovering clues, evidence-gathering tips, how to enhance the integration of the strengths between mobile offices and investigation divisions and offices, evidential applicability of the witness statements, the evolvement and response of the meaning of the right to defense during investigation, and so forth, through the means of lecturing, discussions, and experience sharing, in anticipation of refining the associates' professional competency. In terms of external lectures, prosecutor Ting-Wang Lu of Taiwan High Prosecutor's Office and head prosecutor Tsu-Shuen He of Shi-Lin District Prosecutor's Office, both rich with practical experience and known for their clean reputation, were invited to lecture respectively on "The Evidential Applicability and Procedural Functions of the Police Inquiry Statements of Those Other Than the Defendant" and "Investigation and Defense - the Evolvement and Response of the Meaning of the Right to Defense During Investigation"; in terms of internal lecturers, the field division and office associates with excellent case-processing experience were invited to present reports on

undertaking the investigation and processing of corruption/malfeasance cases and their experience in the action of the gathering of evidence, in anticipation of exchanging their case-processing tips with participating trainees to further refine their evidence-gathering skills. Lastly, Anti-Corruption Division Director Tang hosted a "Panel Discussion," which utilizes the means of interactive discussions among internal and field duty associates to understand the participating trainees' learning reflection and field duty case-processing needs, by which to raise the effectiveness of anti-corruption work.

Director Tang, at the "Panel Discussion," conveyed to the associates, "Because of the instructions given by the Director General of the Bureau in July, these seminars focused on the deliberations of anti-corruption performance appraisal methods on the feasibility of changing from being management test score-oriented to being goal-oriented. The Division took into consideration that there are many personnel in the field divisions and offices of the area, so immediately canceling management test scores has its difficulties, and also in view of the establishment of the Agency Against Corruption, Ministry of Justice (AAC), there is even a shortage of case sources at the region mobile offices. In order to combine the strengths from the active uncovering of case sources by the field divisions and offices of the area with the investigation and processing of cases at the region mobile offices, so group discussions were arranged at these refinement seminars, in hopes that through the exchange of ideas and sufficient communication between internal duty and field duty associates, and through what is obtained at the joint discussions, and then through pooled analysis and weighing the pros and cons, a decision could be made of whether or not to implement this.

B. Utilizing the Internet to Exchange Learning

Thanks to the increasingly convenient Internet technology, information conveyance, exchange, and integration are able to transcend regional boundaries without any time constraint. Through utilizing the Internet database, the objectives of information integration and convenient access can now be achieved. In light of this, the Anti-Corruption Division launched the internal network "Anti-Corruption Database" of the Bureau at the end of 2004, by which to attain the



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anticipated functions of joint learning and sharing, and to compile case investigation and processing-related laws and regulations, practical views on the substantive laws and procedural laws, various operational guidelines of the Bureau, and the internal duty and field duty associates' routine work results, experiences, and reflections, with the database presenting eight major categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks, bribery crackdown area, which are updated regularly, in anticipation of sharing with the Bureau associates and attain the ideology of refining professional competency and innovative working mentality.

Furthermore, for the aforementioned "2012 Anti-Corruption Work Refinement Seminar" class, after having received the consent from the lecturers, these were separately recorded as the content for digital learning classes, and were placed in the Bureau's internal network "Displaying and Holding the E Academy" unit to provide online learning for those associates who could not attend the actual training.

C. Researching and Compiling Case Study Reports

The Bureau had in 2011 investigated and processed the Forestry Bureau offshore islands' forestation procurement colluding corruption/malfeasance case, the Department of Health hospitals' medical devices procurement colluding corruption/malfeasance case, the New Taipei City elementary and junior high school principals' colluding lunch meal corruption/malfeasance case, and, in 2012 investigated and processed Chiayi County Magistrate Chang alleged corruption/malfeasance case, the Criminal Investigation Bureau Secretary General Hsu and other personnel alleged colluding corruption/malfeasance case, National Fire Agency Director General Huang and other personnel alleged colluding corruption/malfeasance case, Taiwan Railways Administration Deputy Director General Chung and other personnel alleged colluding corruption/malfeasance case, Nantou County Magistrate Li alleged corruption/malfeasance case, where every case has invariably drawn high levels of attention from the media, general public, and the government, and, at the same time, also triggered follow-up effects, such as system reform and personnel replacement.

The investigation process of said cases was extremely difficult, and not something that can be completed overnight. It invariably relies on a combination of factors, such as "perseverance, creativity, teamwork, determination," in which the suspects' job environments, investigation skills, and coordination and cooperation measures are of special reference value for the associates of the whole Bureau when investigating and processing similar cases. The Anti-Corruption Division has, thus, selected and adopted the aforesaid case examples by having the field duty write case study reports, and will upload the information on the internal network "Anti-Corruption Database" of the Bureau for reference.

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