

不願貪、不必貪、不能貪、不敢貪

廉政

中華民國一〇七年
工作年報

ANTI-CORRUPTION YEARBOOK 2018



Preface

Ministry of Justice Investigation Bureau (hereinafter referred to as Bureau) has engaged in investigating corruption and malfeasance cases since 1956. In 1989, the Bureau established the “Corruption Eradication Department” according to instructions from the Executive Yuan. In 1991, the Corruption Eradication Department was renamed the “Anti-Corruption Division” to be in charge of the investigation of corruption and malfeasance cases. Over the past years, the Anti-Corruption Division has investigated many corruption and malfeasance cases with public attention. As bribery comes with corruption and malfeasance, the Bureau has engaged in investigation of ad hoc vote-buying case since 1991. In 1998, the Executive Yuan further ratified "prevention against corruption and investigation of vote-buying during elections" as one of the Bureau's duties. Therefore, the Bureau has played an important role in the investigation of past elections to effectively prevent bribery and vote-buying.

In addition to strengthening the investigation of corruption and malfeasance, transparent administration, fair personnel system, responsible news media, and upright national literacy are also indispensable to improving the incorrupt quality of public servants. In the past decade or more, Transparency International (TI) has rated the “Corruption Perception Index” of more than 170 countries. Taiwan has always been ranked 30 or so. In my opinion, with the sound development of democratic politics and the legal system, the increasing level of people's literacy, and the persistence of



the judicial personnel and public servants towards incorruption, the phenomenon of corruption will inevitably disappear. To completely eliminate the phenomenon of corruption and malfeasance, we still have a long way to go. The Bureau will continue to work with all of the people in the country to move towards an incorrupt country.

Looking back at 2018, the staff of the Bureau strove to remove difficulties in collecting evidence for corruption and malfeasance cases and achieved a remarkable result; in addition, the Bureau spared no effort to investigate the whereabouts of unlawful gains in line with the government's anti-corruption policy, while also investigating the offenses of national territories conservation to protect the environment from malicious destruction. In the second half of 2018, the Bureau mobilized to conduct the "Vote-buying Case Investigation Project for the Local Public Servants Election". The office and field investigating officers worked day and night to investigate various types of vote-buying cases. As of June 2019, 390 vote-buying cases have been prosecuted.

Every successful anti-corruption case is supported by the continuous work and perseverance of special agents who even sacrifice their time for family reunions and personal recreation. I believe that every special agent in the Bureau, with years of experience in anti-corruption and fine tradition, puts his/her faith in a better future and is proud to be selfless and dedicated as a member of the Bureau.

September 2019

About the Anti-Corruption Yearbook

I. Purpose

The Anti-Corruption Division of the Bureau 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 and yearly investigation status. Through the annual reflection and review of the Yearbook, the Bureau expects to continually refine and adjust its anti-corruption work.

II. Content

1. Chapter 1, About the Anti-Corruption Division of the Bureau, aims at describing the legal and regulatory basis of anti-corruption work, organizational history, division of work, objectives, and priorities of the Bureau's anti-corruption work, hoping that all sectors can understand the organizational structure, work philosophy, and implementation methods of the Anti-Corruption Division of the Bureau.
2. Chapter 2, Anti-corruption Work Implementation Status and Results, offers the statistical analysis and description of the operation of the Anti-Corruption Division of the Bureau in 2018, which encompasses two parts, namely case investigation and proficiency development. (Footnotes are excluded from the English version.)
3. Chapter 3, Summary of Major Investigation Cases in 2018, discusses 13 representative cases investigated by the Bureau and referred to the prosecutors' offices in 2018. These cases are arranged according to their case types, so readers can conveniently refer to the criminal patterns and methods of each case type. (This chapter is excluded from the English version.)



III. Notes

1. For the units referenced in the Yearbook, the year is calendar year, the case is in unit of case, the criminal 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 per document; in the indictment stage, one indictment is counted as one case. The count of criminal 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/non-malfeasance cases" is based on whether the suspect is "defined as a public servant" when violating the applicable law (including those applicable to additional penalties based on Article 134 of the Criminal Code); if there is at least one public servant involved in the case, then it is categorized as a corruption/malfeasance case.
4. "Public servants" refers to high, middle and low-ranking public servants, quasi-public servants, and representatives; "non-public servants" refer to people other than the above five statuses. High-ranking public servants refers to public servants in position levels of 10-14, or equivalent; middle-ranking public servants refers to public servants in position levels of 6-9, or equivalent; low-ranking public servants refers to public servants in position levels of 5 or below, or equivalent. Quasi-public servants have 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 to 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 include central and locally elected representatives at all levels.

5. "Corruption amount" refers to illegal profits earned by public servants, quasi-public servants, or their accomplices while under suspicion of corruption; "profiting amount" refers to illegal profits generated by public servants with mercenary intention, by 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" refer to crime amounts other than the above categories.
6. "Key applicable laws" and "key applicable articles on referral" refer to the laws applicable to the cases or to the suspects. When the same case or suspect is involved in offenses under two or more applicable laws, the heavier punishable law shall prevail.
7. "Education statistics" are based on the highest graduation level of the suspects. Non-graduates are categorized in the next lower education level.





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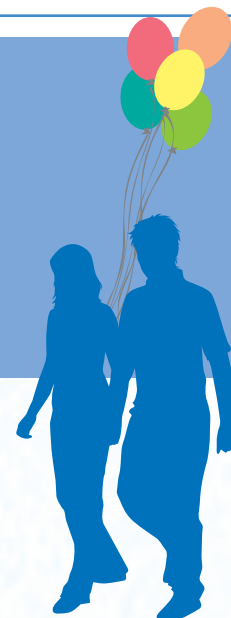
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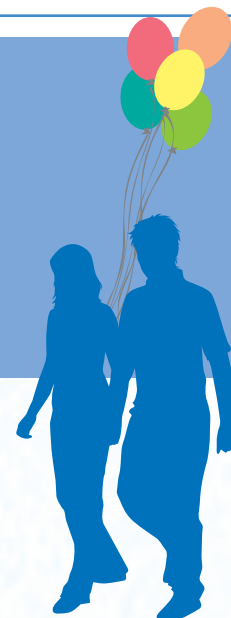
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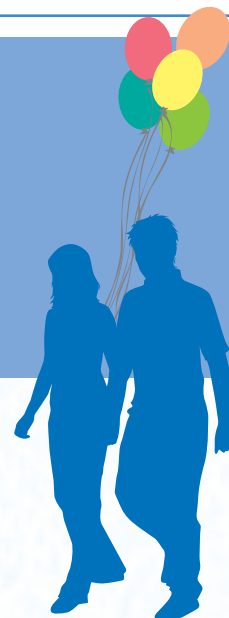
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Profile of the Anti-Crruption Division, Investigation Bureau



I. Legal and Regulatory Basis

As stipulated in Article 2 of the pre-amendment “Organic Act for the Investigation Bureau, Ministry of Justice”, “The Investigation Bureau under the Ministry of Justice is in charge of national security and national interest-related investigations and infrastructure security. The aforesaid investigations and infrastructure security are to be defined by the Executive Yuan.” An abridged explanation of what the Executive Yuan has amended and promulgated, over the years, regarding the Bureau’s administrative responsibility and the portion related to the anti-corruption work, is provided below.

In accordance with the Order of Tai-45-(Nei)-Zi No. 4711 dated August 27, 1956, the Executive Yuan promulgated 10 administrative duties to the Bureau, in which “corruption and malfeasance” as prescribed in Item 5, and “investigations and infrastructure security upon special orders from higher-ranking authorities” in Item 10, are the legal and regulatory basis for the Bureau in executing anti-corruption tasks.

At the onset of the second National Assembly representative elections in 1991, the Bureau received instructions from the Executive Yuan and the Ministry of Justice through the means of a special project to join the vote-buying investigation and crackdown work in successive elections; until October 30, 1998, the Executive Yuan approved the Bureau’s nine administrative duties subject to the Official Document No. 53381 issued by the Executive Yuan (1998), and among them, Item 4, “prevention of corruption and investigation of vote-buying during elections”, has clearly enlisted vote-buying investigation and crackdown as part of the Bureau’s administrative duties, while Item 9 has the text amended to “national security and national interest-related investigations and infrastructure security upon special orders from higher-ranking authorities.”

On December 19, 2007, per Official Document No. 09600170531 issued by the President’s Office, the “Organic Act for Investigation Bureau, Ministry of Justice” (formerly named the “Organic Statute for Investigation Bureau, Ministry of Justice”) amended and announced all 16 articles, going into effect on March 1, 2008 subject to the Order No. 0972260255 dated March 20, 2008 issued by



the Executive Yuan. Article 2 of said law itemizes the Bureau's 20 administrative duties, and among them, Subparagraph 4, "prevention against corruption and investigation of vote-buying during elections", and Subparagraph 20, "national security and national interest-related investigations and infrastructure security upon special orders from higher-ranking authorities", provide the legal and regulatory basis for the Bureau's execution of anti-corruption work.

II. Organizational History

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 public equity, and maintain 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 and approved by the Executive Yuan, subject to the Order No. 5584, to begin its formal operation on June 8, 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 and said center has been expanded and organized into the Corruption and Economic Crime Prevention Center to enhance the prevention work against corruption and economic crime.

Subsequently, in response to the increasing anticipation of administrative governance transparency and corruption/malfeasance eradication by all sectors of society, the Bureau, as ordered by the Executive Yuan, subject to Meeting Resolution No. 2095 in the Executive Yuan with Official Document No. 3984 issued by the Executive Yuan (1989) dated Feb 14, 1989, established the Corruption Eradication Department in February 1989 to be specifically responsible for handling anti-corruption operations. The Corruption Eradication Department was manned by 1 Director, held concurrently by the Deputy Director General of the Bureau, 1 Executive Officer, 2 Deputy Directors, and was supported by 5 sections, where, by its existing manpower, 505 associates were on staff at the time. These associates were assigned to inaugurate Sections and Units Against

Corruption at various Field Division and Offices. Simultaneously, in Northern, Central, Southern and Eastern Taiwan, four regional mobile offices were established to be specifically responsible for investigating and processing major corruption/malfeasance cases. At that point, anti-corruption work was segregated from the Bureau's other crime investigation operations as an independent focused task force.

In 1990, with further research conducted into operational development and process flow improvement, the anti-corruption work's primary guiding principle was established as "prevention outweighs investigation, and investigation is also made for prevention." A declaration made with the Executive Yuan on October 4, 1990 approved renaming the Corruption Eradication Department on February 1, 1991 to the Anti-Corruption Division subject to the Official Document No. 28363 issued by the Executive Yuan (1990) which not only acts to instruct the Field Divisions and Offices and mobile offices 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 chairpersons' rulings at the 33rd and 34th security enforcement meetings held on March 26 and April 23 in 1992, the Bureau on May 1, 1992 established the "Public Construction Fraud Prevention Task Force" in the Anti-Corruption Division in order to step up the prevention, investigation, and processing of public construction project fraud cases. The Task Force is responsible for planning, promoting and implementing the operation. All members of the Eastern Region Mobile Office were assigned to form the "Major Public Construction Fraud Investigation and Crackdown Task Force". This task force is specifically responsible for handling major public construction project fraud cases, and has also ordered various pertaining field Divisions, Offices and Units to step up the integration of government employee ethics officers aimed at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation of such cases.



On January 16, 2002, the Eastern Region Mobile Office was restructured. 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 was readjusted as of July 1 of the same year as follows: Sections 1, 2 and 3 are the Investigation Sections, Section 4 is the Prevention Section, and Section 5 is the General Section. The previous “Public Construction Fraud Prevention Task Force” is now revamped to being under the operations of Section 1, while the vote-buying investigation and crackdown operation once processed by Section 3 was taken over by Section 1, and from September 8, 2006, the vote-buying investigation and crackdown work has been reclassified and taken over by Section 4.

From 2000 to 2010, with repeated major anti-corruption cases in Taiwan drawing intense coverage by the news media, prompting rising anti-corruption awareness among the masses, the Ministry of Justice formulated an “Anti-Corruption Action Proposal” and the Executive Yuan has on November 30, 2006 approved it to go into effect. Eradicating corruption/malfeasance and upholding administrative governance transparency are approached from two aspects, corruption eradication and corruption prevention, for which the Bureau, in supporting 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.” This is to be manifested through simplifying the case-processing flow, adjusting anti-corruption manpower, amending the performance evaluation guidelines, and increasing anti-corruption work performance weighing and administrative rewards, to encourage all field duty units to raise their efforts in actively uncovering the cases, fulfill their powers and responsibilities in active investigation, strictly uphold justice in case processing procedure, accelerate case processing effectiveness, and to investigate and process major benchmark cases. The Bureau also installed 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 19, 2007 by the President, went into effect on March 1, 2008 to legalize the Anti-

Corruption Division. The Ministry of Justice also amended and announced all of the 27 articles in the Investigation Bureau's Regulations for Departmental Affairs on October 17, 2008, subject to the Order No. 0970803813 issued by the Ministry of Justice, which had been implemented on March 1, 2008. According to Subparagraph 2, Paragraph 1, Article 4 "The Anti-Corruption Division is to carry out its mission through 5 sections", and Article 6, "The Anti-Corruption Division is charged with the following undertakings: (1) The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work; (2) National security, national interest, and anti-corruption-related investigations specifically entrusted by superior agencies; and (3) Other pertinent anti-corruption undertakings", stipulate the organization and administration of the Anti-Corruption Division before April 9, 2012.

III. Division of Work

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 Division Deputy Director and Senior Secretary who assists with the processing of departmental affairs.

1. Prior to April 9, 2012, the Anti-Corruption Division was divided into 5 sections. Each section's division of work is described below:

Section 1: In charge of the operational planning and supervision of the investigating and administrative processing of public construction fraud cases, and monetary goods and labor rendered procurement fraud cases.

Section 2: In charge of the operational planning and supervision of 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: In charge of the operational planning and supervision of 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: In charge of operations on the planning and execution of vote-buying investigations and crackdown projects, the reexamination and review of the investigation and processing procedure of the referred cases, the review and approval of the study reports of corruption/malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, editing and compiling of the anti-corruption yearbook, and compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook.

Section 5: In charge of general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of anti-corruption work, organizing of public construction consultative committee meetings and irregular operations review meetings, coordinating with and contacting Division 4 of the Taxation Administration, Ministry of Finance (divided into Inspection Division, Taxation Administration and Internal Affairs Office, Customs Administration after January 2013 due to restructuring of the Ministry of Finance) among other pertinent units, and processing of the general administrative operations in the Anti-corruption Division.

2. After April 9, 2012, the Anti-Corruption Division was temporarily restructured into four sections. Each section's division of work is described below:

Northern Region Investigation Section:

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

Central Region Investigation Section:

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

Southern Region Investigation Section:

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

Vote-buying Investigation Section:

In charge of general operations on the planning, monitoring, evaluation, business statistics, training, and performance evaluation of the anti-corruption work; organizing consultation committee meetings for public projects and operations review meetings on an irregular basis; coordinating and contacting the Inspection Division of the Taxation Administration and Internal Affairs Office of the Customs Administration under the Ministry of Finance as well as other units to review coordination among different units; reviewing the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of referred cases; reviewing and approving the case studies of corruption/malfeasance cases; building and updating an internal anti-corruption database; editing and compiling the anti-corruption yearbook and manual and criminal investigation manual; handling other administrative work.

3. From October 1, 2015, the Anti-Corruption Division has four sections. Each section's division of work is described below:

Corruption and Malfeasance Intelligence Section:

Handle the consolidation and analysis of corruption intelligence information through horizontal



linkage mechanisms as well as the development, management and maintenance of the Bureau's internal information system; integrate the Bureau's existing database and external public information with corruption intelligence information and set up the GIS information system in line with the current situation of the Bureau's anti-corruption work, to facilitate the fast acquisition of complete information and discover clues to corruption; compile the anti-corruption yearbook and update the Bureau's internal anti-corruption database starting from 2018.

Northern Investigation Section:

Handle public construction fraud cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervise and monitor the administrative planning of the northern region and Kinmen, Matsu, Yilan, Hualien and Taitung.

Southern Investigation Section:

Handle public construction fraud cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervise and monitor the administrative planning of the central and southern regions and Penghu.

Vote-buying Investigation Section:

In charge of general operations on the planning, monitoring, evaluation, business statistics, training, and performance evaluation of the anti-corruption work; organizing consultation committee meetings for public projects and operations review meetings on an irregular basis; coordinating and contacting the Inspection Division of the Taxation Administration and Internal Affairs Office of the Customs Administration under the Ministry of Finance as well as other units to review coordination among different units; reviewing the planning and execution of vote-buying investigation and crackdown projects; reviewing and approving the case studies of corruption/malfeasance cases; editing and compiling the anti-corruption manual and criminal investigation manual; handling other administrative work.

IV. Objectives

1. Implement Jurisdiction Management and Call on Nationals against corruption

Jurisdiction management is implemented to control local corruption and bribery and build public confidence in the Bureau's anti-corruption work. Through case investigation, the Bureau aims to present proactive and active performance to the public and further make an all-out effort to create an incorrupt community.

2. Strengthen Corruption Crackdown and Prevent Corrupt Practices

When human errors or deficiencies in the system identified in the investigation involve the administrative responsibility of public servants, improper administrative measures, or violation of administrative laws, the Bureau collects related data and requests related authorities in charge to handle the cases to strengthen the investigation of administrative malpractice and prevent corruption.

3. Prevent Illicit Capital and Ensure Quality of Government Procurement

According to the investigated cases over the years, the majority are frauds in public construction and property or service procurement. For example, township chiefs took advantage of public works projects and procurement to receive kickbacks, bribery, or private gains through subcontracting, avoiding investigation, designating suppliers, false prices, leaking basic prices, bid rigging and falsely budgeting. Public opinion representatives, such as township council chairpersons, vice chairpersons, representatives and county/city council members misused their power of supervision to lobby, protect, or subcontract public constructions, so as to seek unlawful benefits or misappropriate budgets. This shows that collusion between governments and businesses



has not been fully eradicated. The Bureau focuses their anti-corruption work on the prevention of illicit capital in major public constructions and large procurement.

4. Enhance Vote-buying Crackdown Performance and Rectify Electoral Practice

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 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 servants, farmers and fishermen's associations, or irrigation association elections, the Bureau frequently sets up a task force to support the prosecution agency in executing vote-buying investigation and crackdown work. They also fully mobilize internal duty and field duty associates to uncover and obtain vote-buying information, actively investigate and process vote-buying cases, to reinforce the government's determination to rectify election practices and maintain election order, promoting a fair and transparent voting environment.

5. Uphold Administrative Neutrality and Implement Anti-Corruption Determination

The general public's image of the government is often formed by matters that occur on their own or around it and are seen as a personal loss or a sign of corruption. If government agencies fail to investigate and deal with these matters well, it directly causes public doubt about the government's determination to investigate corruption. Upholding the spirit of administrative neutrality and administration by law, the Bureau makes an all-out effort to investigate major corruption cases listed by the Ministry of Justice in hopes of achieving the objectives of the National Integrity Building Action Plan approved by the Executive Yuan on July 8, 2009 and encouraging integrity and self-discipline.

6. Uphold Procedural Justice and Strengthen Evidence Collection

Focusing on procedural justice and protection of human rights is the evolutionary trend of criminal procedures. After the Code of Criminal Procedure was amended in 2003, the courts and defenders are increasingly strict about investigation procedures. To respect human rights, avoid persecution or influence on evidence due to defective procedures, and raise the conviction rate, the Bureau has established various investigation procedures and organized development seminars, where colleagues are urged to strictly adhere to laws and regulations and procedural justice. As corruption is a deceitful crime, both parties to bribery have an inevitable stake, which makes it very difficult to collect evidence of a crime. Therefore, the Bureau requests colleagues to take a skeptical attitude toward undoubted aspects and seek truth by checking funds and using technological identification.

V. Priorities

1. Case Investigation

(1) Corruption/Malfeasance Cases

The investigation of public servants' corruption/malfeasance crimes is the core operation of the Bureau's anti-corruption work. The so-called "corruption/malfeasance cases" refer to criminal cases where public servants breach the Anti-Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, the Chapter, Offenses of Malfeasance, of the Criminal Code, or the non-simple offenses of malfeasance stipulated under Article 134 of the Criminal Code, or where a public servant's identity is required as stipulated by other laws before a case may be sustained.

When leads are discovered in corruption/malfeasance cases, the Bureau immediately puts a case on file to conduct an investigation and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of contractors engaging in bid rigging or 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 behaviors have a high probability of colluding with public servants, the Bureau also sets up a case on file to conduct an investigation, and once it has been investigated and it is verified that no public servants are involved in it, the case would be enlisted as a "non-corruption/non-malfeasance case."

Cases where public school teachers, public hospital medical staff and public enterprise personnel, whose identities are classified as public servants prior to the amendment to Article 10 of the Criminal Code on July 1, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment to the Criminal Code, the aforesaid personnel have been excluded from the "identity of public servants" ¹ and are no longer under the Anti-Corruption Act; however, the Bureau would still set up cases to conduct investigation on conduct that is constituted as larceny, embezzlement, fraud, breach of trust, or forging and tampering of documents during the performance of duties, and these cases would be enlisted as "non-corruption/non-malfeasance cases."

(2) Vote-buying Cases

Instances of soliciting and accepting bribes that breach the Presidential and Vice Presidential Election and Recall Act, Civil Servants Election and Recall Act, the Political Party Act, the Farmers Association Act, the Fishermen Association Act, 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.

(3) Judicial Fraud Cases

Judicial Fraud cases refer to cases relating to judicial authorities (including all levels of courts, Prosecutors Offices, and Administrative Enforcement Agency), the judicial police (including the

¹ Refer to Chapter 2 of the Yearbook, I. Case Investigation - 1. Statistics on Referred Cases.

National Police Agency under the Ministry of the Interior, the Coast Guard Administration under the Executive Yuan, the Military Police Command under the Ministry of National Defense, the Agency Against Corruption under the Ministry of Justice and the Bureau), prisons, detention centers, correctional institutions, taxation authority staff, lawyers or other persons taking advantage of the people when dealing with criminal, civil, administrative, enforcement, correctional, investigative, administrative remedies and other cases due to either hastiness, inexperience, being unversed in the law or litigation proceedings, for the purpose of taking bribes, sinecures, reducing responsibility, or blackmailing property as well as inciting and sweeping litigation and other cases to suspects, defendants, parties, litigants, obligors or their families.

2. Professional Development

(1) Training

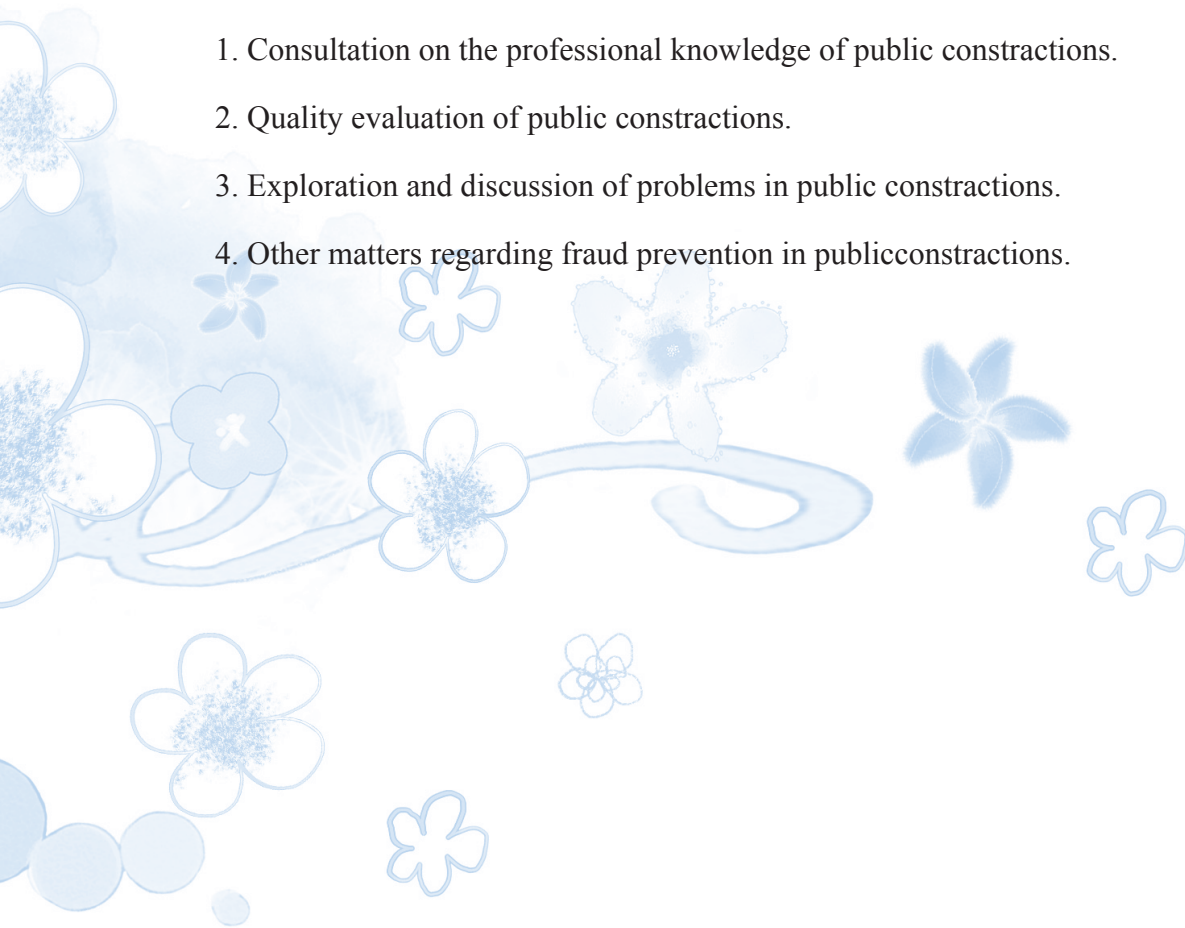
As lifelong learning offers a viable means for public servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work development seminars on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings from time to time, 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, selective recordings of important resolutions of each prosecutors office's anti-corruption executive group meeting, legal advice, and Ministry of Justice's first instance acquittal case analyses are loaded into the database. Bureau associates can then become familiar with various case processing procedures, 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 raise their professional standards and enhance work performance.



(2) Consultative Meetings

On December 1, 1993, the Public Constractions Consultative Committee was established. Taiwan's scholars, experts, and community leaders related to the public constractions 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 constractions to prevent fraud. The Public Constractions Consultative Committee's range of consultations is as follows:

1. Consultation on the professional knowledge of public constractions.
2. Quality evaluation of public constractions.
3. Exploration and discussion of problems in public constractions.
4. Other matters regarding fraud prevention in publicconstractions.





2

Anti-Corruption Work Implementation Status and Results



I. Case Investigation

Table 2-01 depicts the overall state of case investigations of the Anti-Corruption Division of the Bureau in 2018, which is divided into two categories, namely anti-corruption cases and vote-buying cases, with a total of 483 cases investigated in 2018. Among them, 429 cases pertained to anti-corruption cases, which comprised 422 cases that were referred officially to the prosecutors for indictments after investigations, 5 cases that were forwarded to the prosecutors with written reports and indicted afterward, and 2 other cases where the Bureau cooperated with the prosecutors in the investigation, whereby the prosecution agencies have brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2018. Another 54 cases pertained to vote-buying cases whereby the prosecutors brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2018 under the cooperation of the Bureau with prosecutors in case investigation.

To accurately demonstrate the implementation of investigative work regarding corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for "anti-corruption cases" has been refocused from prosecution data to referral data, while the basis of statistical analysis for vote-buying cases is still on the panel data of the prosecutors' office in support of the practical operation state. The case investigation in 2018 will be introduced separately in designated chapters focusing on "referred cases" and "vote-buying cases."

1. Statistics on Referred Cases

The referred cases comprise two major categories, namely "corruption/malfeasance" and "non-corruption/non-malfeasance", which are classified based on the key applicable laws at the time of referral. The "corruption/malfeasance case" types, before 2014, 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 constructions, procurement, judicial corruption and malfeasance, law enforcement, firefighting, correction, urban planning, construction


Table 2-01 Statistics on Case Investigations Performed in 2018

Unit: Case

Category		Number of Cases	Description
Corruption Cases	Referred to Prosecutors	422	Cases were referred to prosecutors after investigations.
	Referred for Prosecution	5	Cases were referred by written reports <u>for prosecution</u> in 2018 after investigations (including deferred prosecutions, summary judgments, or non-prosecutions ex officio).
	Others	2	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2018 brought indictments, summary judgments, deferred prosecutions or non-prosecutions ex officio.
	Subtotal	429	Accounting for 88.8% cases investigation over the whole year.
Vote-buying Cases		54	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2018 brought indictments, summary judgments, deferred prosecutions or non-prosecutions ex officio, accounting for 11.2% cases investigation over the whole year.
Total		483	Note 1: The period for the statistics is between January 1, 2018 and December 31, 2018. Note 2: The section, "Case Investigation" in the Yearbook indicates "referred cases" and "vote-buying cases."

management, land administration, taxation affairs, customs affairs, financial affairs, medical care, education, business registration, motor vehicle management, funerals and interments, environmental protection, national territory conservation, river and gravel management, public welfare subsidy, and subvention, while those that were unable to be classified into these specific categories were grouped under the “others” category. Non-corruption/non-malfeasance cases were divided into 8 categories, namely public constructions, procurement, judiciary fraud, medical care, education, environmental protection, national territories conservation, and others.

The category of judiciary fraud has become one of the main focuses of investigation by the Bureau since 1989, as instructed by the superior agency, with a goal to maintain a good judicial culture and to uncover judicial corruption and malfeasance evidence. The two categories, medical

care and education, are a response to the 2005 amendment to the definition of public servants in Article 10 of the Criminal Code², where in principle physicians in public hospitals, teachers in public schools and staff of state-owned enterprises are no longer defined as public servants. Thus, corruption/malfeasance laws, such as the Anti-corruption Act, are not applicable to them. However, the division of labor of the operations at the Bureau still assigned to the Anti-Corruption Division the processing of cases involving larceny, embezzlement, fraud, breach of trust, or forging instruments or seals of these personnel under the Criminal Code. The two categories, environmental protection and national territories conservation, are also matters that the superior agency has assigned as priorities. 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 on agricultural land, dumping of waste soil, and abuse of industrial waste disposal that simply violate laws, such as the Soil and Water Conservation Act, the Slope Land Conservation and Utilization Act, the Water Act, the Forestry Act, the Urban Planning Law, the Regional Plan Act, the Mortuary Service Administration Act, the Offense of Larceny prescribed in the Criminal Code, and the Waste Disposal Act.

After 2015, the Bureau re-categorized the types of corruption cases to comply with the announcement by the Ministry of Justice entitled Categories and Principles of Special Notation for Corruption Cases. The categories included the following: (1) Supervisory management for industry and commerce, (2) Banking and insurance, (3) Taxation affairs, (4) Customs affairs, (5) Telecommunication regulation, (6) Road supervision, (7) Transportation, tourism and weather, (8)

2 Amended on February 2, 2005 and implemented on July 1, 2006. The reason for the amendment to the "identity of public servants" is as follows: "According to the former part of Subparagraph 1, "those who empowered with legal function and power serve an organization of the state or a local autonomous body in accordance with law" shall mean those employed by an organization of the state or a local autonomous body in accordance with the law. As a result, those who represent the law or the state or local autonomous body in handling public affairs shall be subject to the obligations of special protection and obedience. For those who are not empowered with legal function and power but serve an organization of the state or a local autonomous body in accordance with law, such as security or cleaning employees, they shall not be subject to the obligations of special protection and obedience and therefore shall not be defined as public servants under the Criminal Code."



Justice, (9) Legal affairs, (10) Law enforcement, (11) Firefighting, (12) Construction, (13) Civil affairs, household registration, military service, and land administration, (14) Immigration and coast guard, (15) Environmental protection, (16) Medical care, (17) Social welfare, (18) Education, (19) Agriculture, forestry, fishery, and animal husbandry, (20) River and gravel management, (21) Military affairs, (22) Foreign affairs, (23) National security intelligence, (24) National property management, (25) State-owned enterprises, (26) Administrative affairs, and (27) Others. A total of 27 categories were listed. Special notations for corruption cases were divided into 5 categories, namely (1) Procurement, (2) Destruction of national territories, (3) Subvention, (4) False claim for public funding, and (5) Alternative military service.

To provide specific statistics, "non-corruption/non-malfeasance cases" should be categorized according to the aforementioned principles. On March 24, 2017, the Bureau established the "National Territories Conservation Program" to integrate the power to investigate destruction of national territories, unlawful logging of national forests, and environmental crimes. The scope of the investigation includes land embezzlement, gravel embezzlement (abuse), unlawful logging of national forests, excessive use of land, and environmental crimes; therefore, the "environmental protection" category under the "non-corruption/non-malfeasance cases" is changed into "land conservation"; in addition, the Bureau does not specify the nature of procurement projects, such as engineering, property, and labor, or categorize the amounts into tiers.

(1) Statistics on Referred Cases over the Years

Table 2-02 shows the statistics on the number of referred cases, the total number of people involved, and the amount of money involved in 2018.

In 2018, a total of 422 corruption cases were referred to prosecution authorities, of which the "corruption/malfeasance cases" included 138 cases of 571 people, containing 232 public servants and quasi-public servants, 19 elected representatives, and 320 non-public servants. Compared with the statistics in 2017, the number of referred cases decreased by 14, a decrease of 9.2% (14 cases vs. 152 cases); the number of referred criminal suspects increased by 46, an increase of 8.8% (46 people vs. 525 people).

Table 2-02 Statistics on Referred Cases in 2018

Unit: Case, Person, NTS

Category	Item	Number of Cases	Number of Suspects			Amount of Money Involved in Cases			
			Public Servant (including Quasi Public Servant)	Public Opinion Representative	Non-public Servant	Corruption Amount	Profiting Amount	Procurement Amount	Others
Corruption/Malfeasance	Immigration and Coast Guard	2	13	-	11	498,002	-	-	-
	Supervisory Management for Industry and Commerce	4	6	2	29	13,431,265	-	-	-
	Road Supervision	2	2	-	2	348,000	-	-	-
	Civil Affairs, Household Registration, Military Service and Land Administration	5	11	-	2	184,974	1,031,000	-	30,000
	Administrative Affairs	10	16	1	4	1,713,995	-	-	46,085
	River and Gravel Management	1	1	-	-	800	-	-	-
	Legal Affairs	2	2	-	-	-	-	-	-
	Social Welfare	2	4	-	-	5,000	-	-	-
	Military Affairs	9	16	-	12	6,553,406	-	-	-
	Firefighting	4	10	-	10	6,037,933	-	-	98,750
	State-owned Enterprises	2	2	-	8	-	8,485,402	-	30,000
	Education	5	9	-	16	15,197,545	-	-	18,000
	Taxation affairs	1	2	-	2	4,500,000	17,208,071	-	-
	Agriculture, Forestry, Fishery, and Animal Husbandry	5	8	-	3	9,556,916	-	-	-
	Medical Care	4	4	-	4	1,514,045	-	-	-
	Construction	18	28	1	59	24,100,369	10,076,000	30,756,580	4,940,158
	Environmental Protection	4	4	-	11	3,420,428	77,805	-	-
	Law Enforcement	18	50	-	71	31,891,560	1,280,920	-	111,700
	Others	40	44	15	76	48,469,932	10,985,738	-	39,895,541
	Subtotal	138	232	19	320	167,424,170	49,144,936	30,756,580	45,170,234
Non-corruption/Non-malfeasance	Road Supervision	1	-	-	1	-	-	4,016,315	-
	Justice	12	1	-	18	-	-	-	76,706,063
	Administrative Affairs	2	-	-	5	-	-	1,970,500	-
	River and Gravel Management	2	-	-	8	-	-	4,146,300	-
	Legal Affairs	1	1	-	-	-	-	-	600,000
	Military Affairs	14	10	-	37	-	-	156,665,832	10,047,630,000
	Firefighting	1	-	-	3	-	-	29,610,000	-
	National Property Management	16	1	-	28	-	-	-	-
	State-owned Enterprises	20	5	-	49	-	-	509,565,997	1,309,200
	Education	22	5	-	118	-	-	24,179,527	31,156,060
	Agriculture, Forestry, Fishery, and Animal Husbandry	10	-	-	19	-	-	1,458,331	-
	Transportation, Tourism, and Weather	3	-	-	8	-	-	70,247,701	-
	Medical Care	4	-	-	9	-	-	7,427,842	714,813
	Construction	14	-	-	47	-	-	277,418,710	1,460,000
	National Territories Conservation	39	1	-	131	-	-	2,965,555	114,051,938
	Customs Affairs	1	1	-	1	-	-	-	-
	Law Enforcement	4	7	-	2	-	-	12,883,880	-
	Others	118	17	-	302	-	-	1,500,252,968	247,189,514
	Subtotal	284	49	-	786	-	-	2,602,809,458	10,520,817,588
Total		422	281	19	1,106	167,424,170	49,144,936	2,633,566,038	10,565,987,822



Among the 138 "corruption/malfeasance cases", the major categories of those referred were law enforcement, construction, administrative affairs, and others. The modes of these cases are described as follows:

1. The category of law enforcement involved 121 people in 18 cases, which mainly covered gambling places, prostitution or women's courtesy venues, leak of confidential information or inquiries of income information and blackmailing or deception of property relating to the following three businesses:
 - (1) Criminal investigation, such as accepting bribes from illegal gold buyers without eradication, reporting on crackdowns or leaking information before seizure; inciting others to hold drugs and seizing to plot for personal performance; and blackmailing suspects of intimidation cases.
 - (2) Administrative bans, such as accepting bribes from prostitution or women's courtesy venues to avoid search or seizure; blackmailing a party in general public disputes; and sheltering violators or setting free drunk drivers in traffic accidents.
 - (3) Inquiries of confidential information, such as inquiring about others' date of birth, name, age, vehicle records, household registration records, ID pictures and criminal records and leaking such information to consignors in violation of internal regulations.
2. The category of construction involved 59 people in 13 cases with the following main offenses: Public servants permitted construction without compliant land use districts or construction permit and issued licenses for usage illegally; public servants in charge of public constructions who received bribes and free travel from suppliers to falsely budget the specific construction items in design changes; public servants in charge of supervising public constructions who received bribes to shelter suppliers to add plastic pipes, broken bricks and steel to construction backfill; public servants who requested bribes from builders when dealing with disputes over road use; public constructions contractors who bribed public servants in charge to pass the acceptance; public servants in charge of public constructions who did not record inspections in official documents according to the on-site situation.

3. The category of administrative affairs involved 20 people in 10 cases. The typical cases were public servants who claimed public funds, such as overtime pay and travel expenses, with fraudulent documents.

4. The "others" category involved 138 people in 40 cases. The typical cases were elected representatives using "figurehead" or false salaries to defraud the councils of public assistant allowances.

In 2018, a total of 835 people in 284 "non-corruption/non-malfeasance cases" referred comprised 49 public servants and quasi-public servants, 0 elected representative, and 786 non-public servants. Compared with the statistics in 2017, the number of referred cases increased by 73, an increase of 34.6% (73 cases vs. 211 cases); the number of referred suspects increased by 251, an increase of 43% (251 people vs. 584 people).

The investigation of "non-corruption/non-malfeasance cases" primarily begins after the verification of the evidence about the alleged involvement of public servants in corruption/malfeasance, where a portion of criminal evidence on corruption/malfeasance is deemed unclear, accompanied with other illegal acts, or the law a public servant has breached is other than the charge of corruption/malfeasance; thus, eventually, these are referred to the prosecutors' office as "non-corruption/non-malfeasance cases." Of said types of cases, the content is often closely related to the public servants' ethics and government agencies' image even though the said public servants are not suspected of being involved in corruption/malfeasance directly. Consequently, the investigation of such types of cases also contributes greatly to establishing a clean government.

Table 2-03-2³ depicts the types of corruption cases from 2015 to 2017 categorized in compliance with the announcement by the Ministry of Justice entitled Categories and Principles of Special Notation for Corruption Cases.

3 The Yearbook includes the statistics of old and new categories to fully demonstrate the results of the Bureau's case investigation. Table 2-03-1 depicts the corruption/malfeasance case types, before 2014, through mirroring the type of fraud practices prone to occur as demonstrated in the National Integrity Building Action Plan.

**Table 2-03-1 Statistics on Referred Cases from 2010 to 2014****(Items and Categories of Old Referred Cases)**

Unit: Case

Category		Year	2010	2011	2012	2013	2014	Total
Corruption/Malfeasance	Procurement		38	53	61	156	32	340
	Public Constructions		59	58	46	45	36	244
	Law Enforcement		24	35	24	40	29	152
	Environmental Protection		8	12	5	5	5	35
	Construction Management		5	7	5	3	8	28
	Subvention		1	9	4	6	5	25
	Education		5	4	7	2	4	22
	Customs Affairs		2	7	1	4	4	18
	Land Administration		3	7	2	3	2	17
	Correction		6	2	4	1	1	14
	Medical Care		2	8	-	2	2	14
	Funerals and Interments		7	4	2	-	1	14
	Judicial Corruption and Malfeasance		1	2	3	4	3	13
	Firefighting		2	1	2	2	-	7
	Urban Planning		1	5	1	-	-	7
	Taxation Affairs		2	-	2	2	1	7
	Motor Vehicle Management		1	1	2	2	1	7
	Public Welfare Subsidy		1	1	1	3	1	7
	National Territory Conservation		-	1	-	-	3	4
	River and Gravel Management		1	2	1	-	-	4
	Financial Affairs		1	-	-	-	-	1
	Business Registration		-	-	-	-	-	-
	Others		80	85	47	48	37	297
	Subtotal		250	304	220	328	175	1,277
Non-corruption/Non-malfeasance	Procurement		128	119	105	107	136	595
	Public Constructions		101	73	69	69	61	373
	National Territory Conservation		17	18	16	12	65	128
	Environmental Protection		3	13	22	11	19	68
	Education		10	14	17	6	3	50
	Judicial Fraud		7	10	14	6	9	46
	Urban Planning		-	-	-	-	17	17
	Medical Care		4	3	1	2	4	14
	Law Enforcement		-	-	-	-	1	1
	Firefighting		-	-	-	-	1	1
	Customs Affairs		-	-	-	-	1	1
	Financial Affairs		-	-	-	-	1	1
	Others		24	20	14	12	9	79
	Subtotal		294	270	258	225	327	1,374
Total			544	574	478	553	502	2,651

Table 2-03-2 Statistics on Referred Cases from 2015 to 2018

(Categories of Old Referred Cases Promulgated by Ministry of Justice)

Unit: Case

Category		Year	2015	2016	2017	2018	Total
Corruption/Malfeasance	Law Enforcement		19	27	20	18	84
	Construction		14	13	13	18	58
	Administrative Affairs		4	8	9	10	31
	Military Affairs		7	3	11	9	30
	Civil Affairs, Household Registration, Military Service and Land Administration		13	14	17	5	49
	Education		10	7	6	5	28
	Agriculture, Forestry, Fishery, and Animal Husbandry		2	6	6	5	19
	Supervisory Management for Industry and Commerce		1	2	-	4	7
	Firefighting		-	2	2	4	8
	Environmental Protection		7	6	3	4	20
	Medical Care		1	1	4	4	10
	Road Supervision		1	1	-	2	4
	Legal Affairs		5	5	1	2	13
	Immigration and Coast Guard		-	2	1	2	5
	Social Welfare		3	2	1	2	8
	State-owned Enterprises		1	5	2	2	10
	Taxation affairs		3	1	2	1	7
	River and Gravel Management		2	4	-	1	7
	Transportation, Tourism, and Weather		-	1	2	-	3
	Foreign Affairs		1	-	-	-	1
	National Property Management		-	4	1	-	5
	Others		44	22	51	40	157
	Subtotal		138	136	152	138	564
Non-corruption/Non-malfeasance	National Territories Conservation		17	18	27	39	101
	Education		22	26	14	22	84
	State-owned Enterprises		9	23	13	20	65
	National Property Management		-	5	9	16	30
	Construction		5	10	2	14	31
	Military Affairs		9	14	19	14	56
	Justice		-	-	2	12	14
	Agriculture, Forestry, Fishery, and Animal Husbandry		-	7	9	10	26
	Law Enforcement		-	2	-	4	6
	Medical Care		5	6	9	4	24
	Transportation, Tourism, and Weather		2	8	1	3	14
	River and Gravel Management		2	6	4	2	14
	Administrative Affairs		-	1	2	2	5
	Customs Affairs		-	1	1	1	3
	Road Supervision		1	-	-	1	2
	Legal Affairs		3	-	2	1	6
	Firefighting		-	-	1	1	2
	Supervisory Management for Industry and Commerce		-	1	-	-	1
	Civil Affairs, Household Registration, Military Service and Land Administration		1	4	2	-	7
	Immigration and Coast Guard		-	4	1	-	5
	Social Welfare		-	-	1	-	1
	National Security Intelligence		1	-	-	-	1
	Others		168	57	92	118	435
	Subtotal		245	193	211	284	933
Total			383	329	363	422	1,497



According to the statistics using the new classification, law enforcement, construction, and civil affairs, household registration, military service, and land administration accounted for a higher percentage of "corruption/malfeasance cases" from 2015 to 2018. In most of the cases falling into law enforcement, police officers took advantage of their power or opportunity to maintain order, to investigate or seek to collude with casino operators, prostitutes or gangsters or request or receive bribes from them or blackmail the stakeholders, or incited others to make drugs or guns to increase personal performance. As investigations and bans had high mandatory power and required many people's cooperation in an agency, such corruption cases often had a chain effect and involved a large number of suspects. Most of the cases falling into construction and civil affairs, household registration, military service, and land administration were associated with public works projects and procurement, showing that unworthy public servants or elected representatives sought unlawful benefits mainly from government procurement.

Table 2-04 depicts the number of sources of cases referred by the Bureau in 2018, and Figure 2-01 presents the ratio of sources of referred cases to all referred cases.

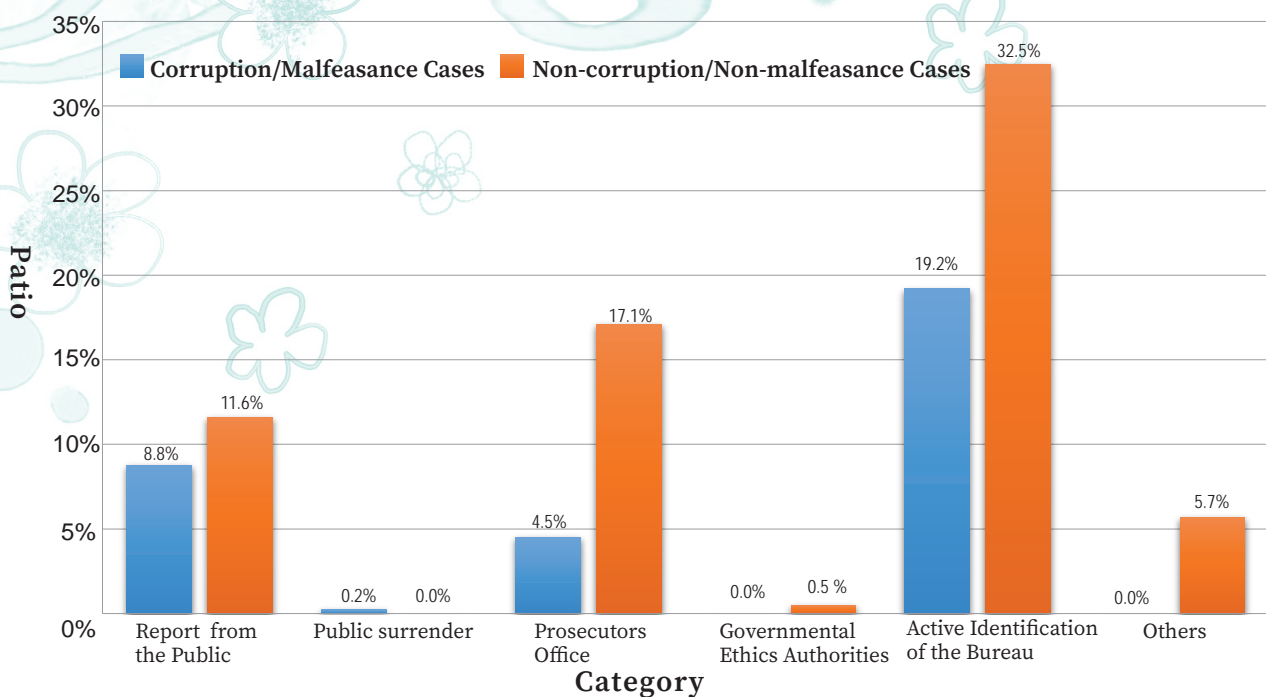


Figure 2-01 Ratio of Sources of Referred Cases in 2018

Table 2-04 Statistics on Sources of Referred Cases in 2018

Unit: Case

Category	Report from the Public	Public surrender	Prosecutors Office	Governmental Ethics Authorities	Active Discovery of the Bureau	Others	Total
Corruption/Malfeasance Cases	37	1	19	-	81	-	138
Non-corruption/Non-malfeasance Cases	49	-	72	2	137	24	284
Total	86	1	91	2	218	24	422

The result of the analysis is as follows:

1. Top three sources were those actively discovery by the Bureau, those reported by the public, and those handed over by prosecutors offices. Among the sources of "corruption/malfeasance cases", the top two were those actively discovery by the Bureau and those reported by the public, while the top two sources of "non-corruption/non-malfeasance cases" were those actively discovery by the Bureau and those handed over by prosecutors offices.
2. The established cases with sources provided by the government ethics departments accounted for 0.5% of the overall sources. After the establishment of the Agency Against Corruption, Ministry of Justice (hereinafter referred to as the AAC), most sources of corruption/malfeasance cases discovered by the government ethics departments were referred to the AAC, and the number of cases referred to the Bureau for investigation was significantly reduced⁴.
3. The sources actively discovered by the Bureau ranked the highest of all sources, accounting

4 AAC was established on July 20, 2011. Before its establishment, the Bureau was the only judicial police agency for anti-corruption work in Taiwan. After AAC was established, the Bureau has worked with AAC to investigate corruption/malfeasance cases. Although corruption prevention work that had been implemented for many years was terminated, corruption case investigation and anti-corruption work continue. The greater impact of this change should be the external factor - sources. People are able to report corruption/malfeasance cases in another way; sources reported to the ethics departments of central and local governments are collected by AAC, which has a certain degree of impact on the number of sources accepted by the Bureau.



Table 2-05 Statistics on Key Applicable Laws of Referred Cases in 2018

Unit: Case

Category		Applicable Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
Corruption/Malfeasance	Law Enforcement		12	-	6	-	18
	Construction		14	-	4	-	18
	Administrative Affairs		8	-	2	-	10
	Military Affairs		4	-	5	-	9
	Civil Affairs, Household Registration, Military Service and Land Administration		4	-	1	-	5
	Education		4	-	1	-	5
	Agriculture, Forestry, Fishery, and Animal Husbandry		3	-	2	-	5
	Supervisory Management for Industry and Commerce		4	-	-	-	4
	Firefighting		2	-	2	-	4
	Environmental Protection		4	-	-	-	4
	Medical Care		4	-	-	-	4
	Road Supervision		2	-	-	-	2
	Legal Affairs		-	-	2	-	2
	Immigration and Coast Guard		2	-	-	-	2
	Social Welfare		1	-	1	-	2
	State-owned Enterprises		2	-	-	-	2
	Taxation Affairs		1	-	-	-	1
	River and Gravel Management		1	-	-	-	1
	Others		38	-	2	-	40
	Subtotal		110	-	28	-	138
Non-corruption/Non-malfeasance	National Territories Conservation		-	3	1	35	39
	Agriculture, Forestry, Fishery, and Animal Husbandry		-	1	-	9	10
	National Property Management		-	-	13	3	16
	Justice		-	-	10	2	12
	Construction		-	11	1	2	14
	River and Gravel Management		-	1	-	1	2
	Military Affairs		-	11	2	1	14
	Customs Affairs		-	-	1	-	1
	Transportation, Tourism, and Weather		-	3	-	-	3
	Legal Affairs		-	-	1	-	1
	Firefighting		-	1	-	-	1
	Road Supervision		-	1	-	-	1
	Law Enforcement		-	1	3	-	4
	Medical Care		-	2	2	-	4
	Education		-	12	10	-	22
	State-owned Enterprises		-	17	3	-	20
	Administrative Affairs		-	2	-	-	2
	Others		-	56	23	39	118
	Subtotal		-	122	70	92	284
Total			110	122	98	92	422

for about 51.7% (218 cases vs. 422 cases) and ranked at the top in terms of the number of sources of corruption/malfeasance cases and non-corruption/non-malfeasance cases. This was mainly because our special agents investigated their jurisdictions or used relations to uncover the evidence involved, and then voluntarily presented the case for investigation and reference. This shows that such sources are still the foundation of the Bureau's operation, as well as a unique and intangible asset in the implementation of fighting against corruption.

4. The number of established cases with sources reported by the public ranked the second highest among all sources, showing that people were still willing to provide quality sources for the Bureau in the hope of eradicating malpractice.

(2) Statistics on Applicable Laws of Referred Cases

Table 2-05 depicts statistics on the key applicable laws of referred cases in 2018.

A total of 422 cases were referred by the Bureau in 2018, including "corruption/malfeasance cases" and "non-corruption/non-malfeasance cases" as follows:

1. Corruption/Malfeasance Cases

The largest number, 110 cases, was referred under the applicable laws stipulated in the Anti-Corruption Act, accounting for 79.7% (110 cases/138 cases). The top three applicable laws stipulated in the Anti-Corruption Act were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others to deliver personal property or a third person's property under cover of legal authority (43 cases), Subparagraph 3, Paragraph 1, Article 5, demanding, taking or promising to take bribes or other unlawful profits by the acts that belongs to the official duties (18 cases), and Subparagraph 5, Paragraph 1, Article 4, demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties (17 cases). Details are given in Table 2-08.

Next are 28 referred cases under the applicable laws stipulated in the Criminal Code, accounting for 20.3% (28 cases/138 cases); among them, cases involving law enforcement were the highest (6 cases), most of which committed the crime of public servants who discloses or gives away a document, plan, information, or another thing of a secret nature relating to matters other than national defense, as prescribed in Article 132 of the Criminal Code (2 cases); in most cases,



police officers were entrusted to inquire about and leak others' identity, pictures or vehicle records in violation of internal regulations. Among the provisions of the Criminal Code based on which the cases were referred, Article 213 or Article 216 was mostly violated by 11 cases making a false entry of documents.

2. Non-corruption/Non-malfeasance Cases

Among "non-corruption/non-malfeasance cases", 122 cases were referred under the Government Procurement Act, accounting for 43% (122 cases/284 cases), of which the majority were 82 referred cases, where a person who commits fraud or uses any other illegal means to make the supplier unable to tender or cause the opening of tenders to have an incorrect result (commonly known as fraudulent bid rigging) specified in Paragraph 3, Article 87; followed by 29 referred cases, where a person borrowed or assumed another's name or certificate to tender, with the intent to adversely affect the result of procurement or to gain illegal benefits (commonly known as borrowed license bid rigging) specified in Paragraph 5, Article 87; and followed by 9 referred cases, where a person who causes the supplier not to tender or not to proceed with price competition by means of contract, agreement or other forms of meeting of minds, with the intent to adversely affect the price of award or to gain illegal benefits, (commonly known as joint big rigging) specified in Paragraph 4, Article 87.

As mentioned before, unworthy public servants or elected representatives sought unlawful benefits mainly from government procurement⁵; therefore, the Bureau focused the clues to corruption on such cases. The clues to some of the aforesaid cases investigated by the Bureau under the Government Procurement Act were the collusion of public servants; however, upon investigation, it turned out to be bidders' malpractice, and the bidders were referred to the prosecutors' offices according to the Government Procurement Act as "non-corruption/non-malfeasance cases." Such cases were the incidental results of the Bureau's anti-corruption work, which curbed unworthy suppliers' damage to the free market, promoted fair competition and

5 Refer to Table 2-03-2 in Chapter 2 of the Yearbook, 1. Statistics on Referred Cases - (1) Statistics on Referred Cases over the Years.

maintained the quality of public constructions; they were also beneficial to an incorrupt government image.

Among "non-corruption/non-malefeasance cases", 92 cases were referred under other laws, accounting for 32.4% (92 cases/284 cases). These laws included the Soil and Water Conservation Act (32 cases), the Waste Disposal Act (25 cases), the Regional Plan Act (17 cases), the Slopeland Conservation and Utilization Act (4 cases), the Air Pollution Control Act (3 cases), the Attorney Regulation Act (3 cases), the Water Pollution Control Act (2 cases), and the Urban Planning Law, the Building Act, the Forestry Act, the Banking Act, the Business Entity Accounting Act, and the Trade Secrets Act (1 case each). 70 cases were referred under the Criminal Code, accounting for 24.6% (70 cases/284 cases), of which the majority were 25 referred cases that committed the offense of larceny or unlawful occupancy of national territories and buildings, stacked goods or gravel embezzlement prescribed in Article 320, followed by 22 cases that committed common fraud prescribed in Paragraph 1, Articles 339.

To implement the national territories conservation policy in line with the Ministry of Justice's enhanced investigation of national land and environmental crimes, the Bureau established the National Territories Conservation Crime Investigation Task Force on March 24, 2017 to integrate the power to investigate destruction of national territories, unlawful logging of national forests, and environmental crimes. The scope of the investigation includes national territories embezzlement, gravel embezzlement (abuse), unlawful logging of national forests, excessive use of land, and environmental crimes. The task force also aims to investigate any interventions of unworthy groups or gangsters suspected based on the sources.

Since the establishment of the National Territories Conservation Crime Investigation Task Force, the Bureau has worked with the Taiwan High Prosecutors Office to investigate environmental crimes. The Bureau has also worked with the Forestry Bureau to investigate illegal logging. In 2018, the Bureau further investigated illegal operations of campsites, operations of B&B through illegal occupation of national parks, operations of tourist farms through slopeland abuse and destruction of soil and water conservation. The two investigations were conducted three times at the same time, and a total of 156 people in 69 cases were referred. The area of national territories destroyed totaled



1,324,786 square meters, and the weight and volume of environmental crimes totaled 35,622 tons and 206,458 square meters, respectively.

Table 2-06 depicts the number of cases referred from 2014 to 2018 by key applicable laws. Figure 2-02 shows the ratio of cases referred in 2018 by key applicable laws.

Over the years, the Anti-Corruption Act and the Government Procurement Act have accounted for the highest percentage of applicable laws to anti-corruption cases, followed by the Criminal Code. In 2018, 110 cases were referred under the Anti-Corruption Act, accounting for 26.1% of all referred cases (110 cases/422 cases); 122 cases were referred under the Government Procurement Act, accounting for 28.9% of all referred cases (122 cases/422 cases); 98 cases were referred under the Criminal Code, accounting for 23.2% of all referred cases (98 cases/422 cases); 92 cases were referred under other laws, accounting for 21.8% of all referred cases (92 cases/422 cases). Most of the referred cases were "non-corruption/non-malfeasance cases", and the environmental cases were

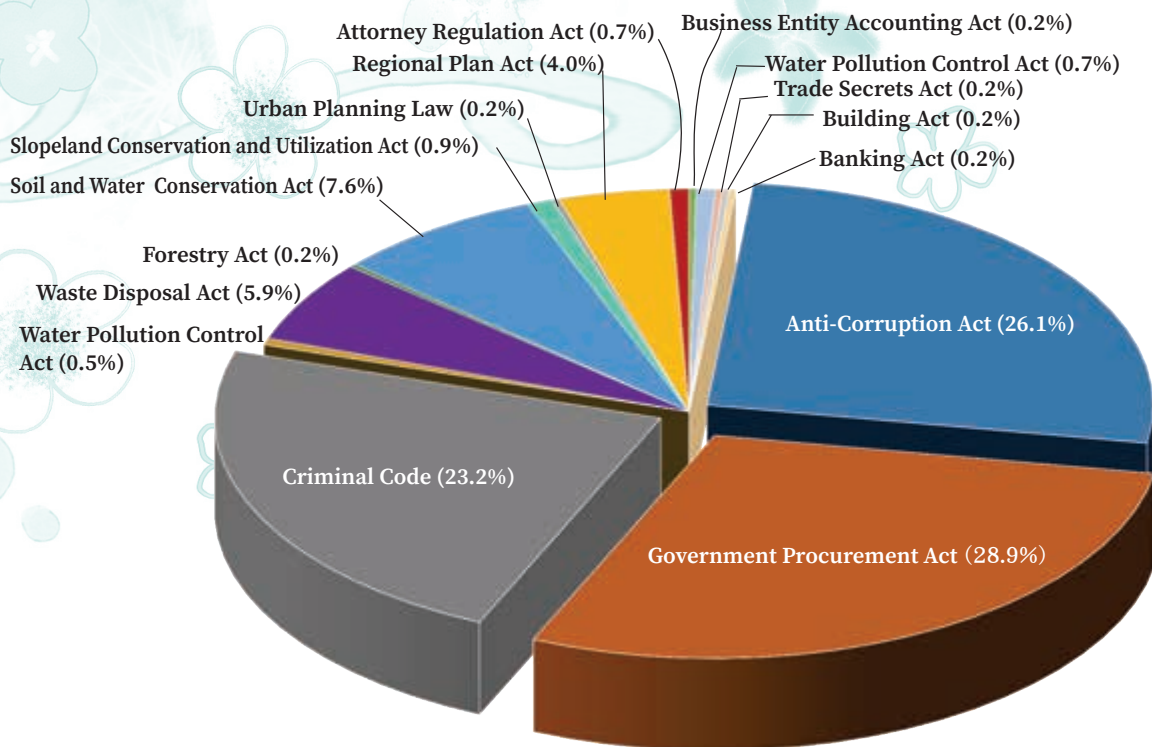


Figure 2-02 Ratio of Key Applicable Laws of Referred Cases in 2018 (1)
(by Number of Cases)

Table 2-06 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (1) (by Number of Cases)

Applicable Law	2014		2015		2016		2017		2018	
	No. of Cases	Percentage	No. of Cases	Percentage	No. of Cases	Percentage	No. of Cases	Percentage	No. of Cases	Percentage
Anti-Corruption Act	145	28.9%	115	30.0%	119	36.2%	119	32.8%	110	26.1%
Government Procurement Act	169	33.7%	179	46.7%	127	38.6%	115	31.7%	122	28.9%
Criminal Code	132	26.3%	63	16.4%	64	19.5%	73	20.1%	98	23.2%
Narcotics Hazard Prevention Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Criminal Code of the Armed Forces	-	0.0%	-	0.0%	1	0.3%	-	0.0%	-	0.0%
Public Servant Service Act	3	0.6%	1	0.3%	-	0.0%	1	0.3%	-	0.0%
Waste Disposal Act	18	3.6%	10	2.6%	8	2.4%	17	4.7%	25	5.9%
Forestry Act	1	0.2%	1	0.3%	-	0.0%	2	0.6%	1	0.2%
Soil and Water Conservation Act	10	2.0%	3	0.8%	4	1.2%	12	3.3%	32	7.6%
Slopeland Conservation and Utilization Act	7	1.4%	-	0.0%	1	0.3%	3	0.8%	4	0.9%
Urban Planning Law	2	0.4%	-	0.0%	-	0.0%	7	1.9%	1	0.2%
Regional Plan Act	14	2.8%	7	1.8%	5	1.5%	11	3.0%	17	4.0%
Attorney Regulation Act	-	0.0%	1	0.3%	-	0.0%	2	0.6%	3	0.7%
Water Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Water Pollution Control Act	1	0.2%	1	0.3%	-	0.0%	-	0.0%	2	0.5%
Tax Collection Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Computer-Processed Personal Information Protection Act	-	0.0%	1	0.3%	-	0.0%	-	0.0%	-	0.0%
Classified National Security Information Protection Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Political Donations Act	-	0.0%	1	0.3%	-	0.0%	-	0.0%	-	0.0%
Simple Life Insurance Act	-	0.0%	-	0.0%	-	0.0%	1	0.3%	-	0.0%
Business Entity Accounting Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	1	0.2%
Water Pollution Control Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	3	0.7%
Trade Secrets Act	-	0.0%	-	0.0%	-	0.0%	1	0.3%	1	0.2%
Building Act	-	0.0%	-	0.0%	-	0.0%	1	0.3%	1	0.2%
Banking Act	-	0.0%	-	0.0%	-	0.0%	1	0.3%	1	0.2%
Total	502	100.0%	383	100.0%	329	100.0%	363	100.0%	422	100.0%



referred mainly under the Soil and Water Conservation Act and the Waste Disposal Act, ranking the fourth place over the past five years.

Table 2-07 depicts the number of suspects referred from 2014 to 2018 by key applicable laws. Figure 2-03 shows the ratio of suspects referred in 2018 by key applicable laws.

In 2018, the number of criminal suspects referred under the Government Procurement Act was 411, accounting for 28.7% of all referred cases (411 people/1,430 people); 365 suspects were referred under the Anti-Corruption Act, accounting for 25.5% of all referred cases (365 people/1,430 people), followed by 385 suspects referred under the Criminal Code, accounting for 26.9% of all referred cases (385 people/1,430 people). From 2017 to 2018, the applicable laws under which cases were referred were the same in order. From 2014 to 2016, the applicable laws under which cases were referred were the Anti-Corruption Act, the Government Procurement Act, and the Criminal Code in order. The number of suspects referred under the Waste Disposal Act was also significant and ranked the fourth place over the past five years.

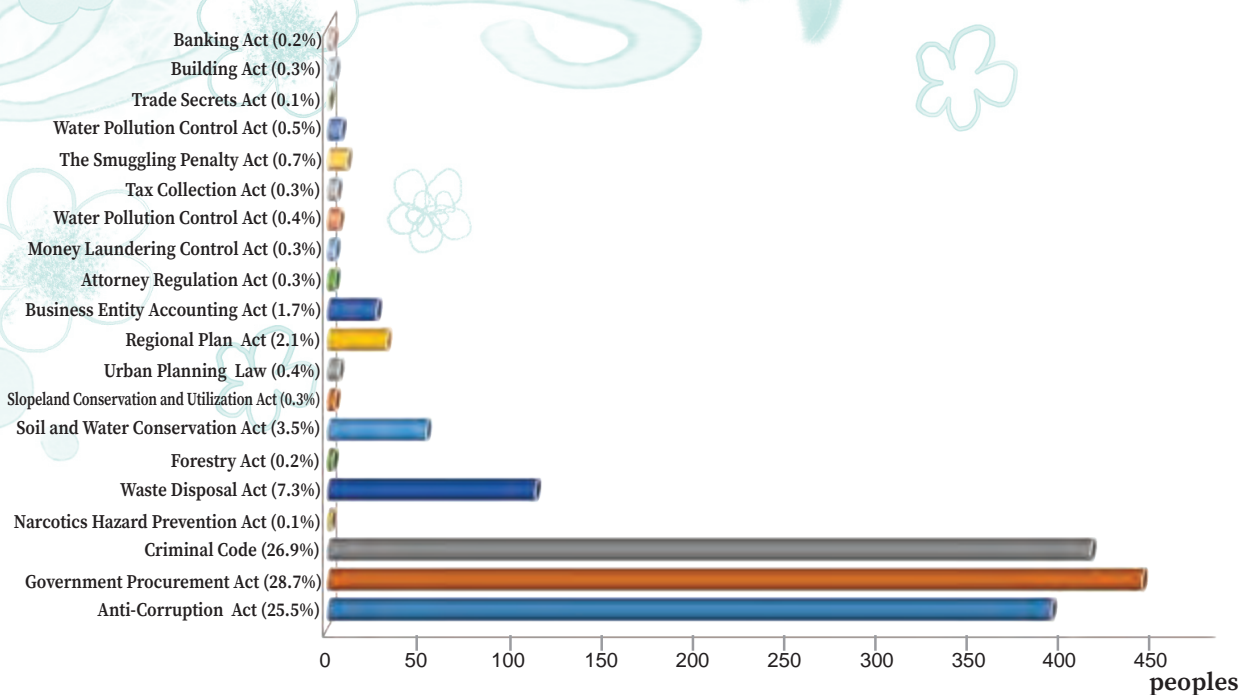


Figure 2-03 Ratio of Key Applicable Laws of Referred Cases in 2018 (2)
(by Number of Suspects)

Table 2-07 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (2) (by Number of Suspects)

Applicable Law	2014		2015		2016		2017		2018	
	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage
Anti-Corruption Act	831	46.5%	631	43.5%	493	41.4%	333	30.0%	365	25.5%
Government Procurement Act	504	28.2%	577	39.8%	440	37.0%	413	37.2%	411	28.7%
Criminal Code	327	18.3%	183	12.6%	182	15.3%	202	18.2%	385	26.9%
Narcotics Hazard Prevention Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	2	0.1%
Controlling Guns, Ammunition and Knives Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Criminal Code of the Armed Forces	-	0.0%	-	0.0%	1	0.1%	-	0.0%	-	0.0%
Public Servant Service Act	3	0.2%	1	0.1%	-	0.0%	1	0.1%	-	0.0%
Waste Disposal Act	67	3.7%	20	1.4%	28	2.4%	74	6.7%	105	7.3%
Forestry Act	1	0.1%	13	0.9%	-	0.0%	7	0.6%	3	0.2%
Soil and Water Conservation Act	21	1.2%	6	0.4%	6	0.5%	15	1.4%	50	3.5%
Slopeland Conservation and Utilization Act	12	0.7%	-	0.0%	3	0.3%	6	0.5%	4	0.3%
Urban Planning Law	2	0.1%	-	0.0%	-	0.0%	11	1.0%	6	0.4%
Regional Plan Act	19	1.1%	10	0.7%	9	0.8%	18	1.6%	30	2.1%
Business Entity Accounting Act	-	0.0%	-	0.0%	25	2.1%	25	2.3%	25	1.7%
Money Laundering Control Act	-	0.0%	-	0.0%	2	0.2%	-	0.0%	4	0.3%
Attorney Regulation Act	-	0.0%	1	0.1%	-	0.0%	3	0.3%	4	0.3%
Computer-Processed Personal Information Protection Act	-	0.0%	1	0.1%	-	0.0%	-	0.0%	-	0.0%
Wildlife Conservation Act	-	0.0%	-	0.0%	1	0.1%	-	0.0%	-	0.0%
Water Pollution Control Act	2	0.1%	7	0.5%	-	0.0%	-	0.0%	6	0.4%
Political Donations Act	-	0.0%	1	0.1%	-	0.0%	-	0.0%	-	0.0%
Simple Life Insurance Act	-	0.0%	-	0.0%	-	0.0%	1	0.1%	-	0.0%
Tax Collection Act	-	-	-	-	-	-	-	-	5	0.3%
The Smuggling Penalty Act	-	-	-	-	-	-	-	-	10	0.7%
Water Pollution Control Act	-	-	-	-	-	-	-	-	7	0.5%
Trade Secrets Act	-	-	-	-	-	-	-	-	1	0.1%
Building Act	-	-	-	-	-	-	-	-	4	0.3%
Banking Act	-	-	-	-	-	-	-	-	3	0.2%
Total	1,789	100.0%	1,451	100.0%	1,190	100.0%	1,109	100.0%	1,430	100.0%



In addition, a total of 25 people in 10 cases were referred under Article 71 of the Business Entity Accounting Act in 2018, ranking the seventh place. The main suspects of these 10 cases violated the Anti-Corruption Act and fell under "corruption/malfeasance cases." Most of these 25 people were persons in charge, managers or accountants of private companies involved in the corruption/malfeasance cases.

Table 2-08 shows the number of cases referred under the applicable laws prescribed in the Anti-Corruption Act from 2014 to 2018.

Over the past five years, the top four places were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others deliver personal property or a third person's property under cover of legal authority (177 cases), Subparagraph 4, Paragraph 1, Article 6, directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision (131 cases), Subparagraph 5, Paragraph 1, Article 4, demanding, taking or promising to take bribes or other unlawful profits by the acts that violate official duties (101 cases), and Subparagraph 3, Paragraph 1, Article 5, demanding, taking or promising to take bribes or other unlawful profits by the acts that do not violate official duties (88 cases). The aforesaid provisions also ranked the top four places in the respective years.

In 2018, a total of 110 cases, all of which were "corruption/malfeasance cases", were mainly referred under the Anti-Corruption Act, accounting for 26.1% of all referred cases (110 cases/422 cases), in which 43 cases committed the crime of fraudulently making others deliver personal property or a third person's property under cover of legal authority, as stipulated in Subparagraph 2, Paragraph 1, Article 5, followed by 18 referred cases that committed the crime of demanding, taking or promising to take bribes or other unlawful profits by acts that do not violate official duties, as stipulated in Subparagraph 3, Paragraph 1, Article 5, followed by 17 referred cases that committed the crime of demanding, taking or promising to take bribes or other unlawful profits by acts that violate official duties, as stipulated in Subparagraph 5, Paragraph 1, Article 4, and followed by 9 referred cases that committed the crime of directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision, as stipulated in Subparagraph 4, Paragraph 1, Article 6. The aforesaid crimes are described separately as follows:

Table 2-08 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (1) -in Accordance with the Anti-Corruption Act

Unit: Case

Article	Paragraph	Subparagraph	Details of the Anti-Corruption Act	2014	2015	2016	2017	2018	Total
4	1	1	Stealing or misappropriating public equipment or properties.	7	8	12	3	4	34
4	1	2	Acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection.	5	4	3	3	6	21
4	1	3	Inflating the prices and quantities of, or taking kickbacks from, public works or procurements under his or her charge.	10	3	6	5	7	31
4	1	5	Demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties.	25	15	30	14	17	101
5	1	1	Withdrawing or withholding public funds without authorization with an intent to profit, or unlawfully collecting taxes or floating government bonds.	-	-	-	-	1	1
5	1	2	Fraudulently making others to deliver personal property or a third person's property under cover of legal authority.	24	26	32	52	43	177
5	1	3	Demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties.	25	22	10	13	18	88
6	1	1	With the intent to profit, withholding public funds or public property which should be lawfully distributed.	-	-	-	-	-	-
6	1	2	Committing malfeasance while raising funds or requisitioning land or other properties.	-	-	-	-	-	-
6	1	3	Stealing or misappropriating private property or equipment that is in his or her possession due to official position but not for official use.	3	7	-	1	2	13
6	1	4	Directly or indirectly seeking unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law and thereby having gained profits.	43	28	24	27	9	131
6	1	5	Using the opportunity provided by one's position or status for unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law.	1	-	1	1	-	3
6-1			If a public servant is suspect of violating any one of the following offenses and if the prosecutor has found during the investigation that the said person, his or her spouse or their under-aged children have had inconsistent increase in property or income at the time of the commission to the offense or within three years thereafter, the suspect may be ordered to make an account of the increased property or income. If the person fails to make a account without reasonable excuse, cannot make a credible account or makes a false account, he or she shall be punished by imprisonment for a term of less than five years, detention and may also be punished by a fine not to exceed the amount of the unaccounted-for increase of property or income	1	-	-	-	-	1
11	1		Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to Article 2 of the Act in return for that person's performing or omitting against his or her official duties.	1	2	-	-	1	4
11	2		Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to Article 2 of the Act in return for that person's performing or omitting not against his or her official duties.	-	-	-	-	2	2
13	1		The immediate superior who has actual or direct proof that a person under his/her supervision has committed one or more of the acts listed in the Act and has failed to expose the case to the competent authorities.	-	-	1	-	-	1
Total				145	115	119	119	110	608



1. Fraudulently making others deliver personal property or a third person's property under cover of legal authority, as stipulated in Subparagraph 2, Paragraph 1, Article 5

This is a crime often committed by public servants. Such crime can be broadly classified into two categories: (1) use false “figurehead”, invoices or other certificates to defraud public funds from relevant agencies, such as declaring travel expenses or meal expenses that were inconsistent with actual spending, applying for rent subsidies by concealing the purchase of houses or declaring assistant fees with a false list of assistants; and (2) take advantage of the public not understanding public servants' work content, scope of authority or operating rules to defraud the public of money, such as defrauding service fees by exaggerating the influence of authority or defrauding fees with false service.

Usually, the first category accounts for the majority, by which the suspects take the opportunity to request funding knowing that the cost is not paid, fake transactions, not holding activities but presenting fake documents, invalid staff roster to apply for salary reimbursement in order to profit through such cheating ways. In addition to government agencies, law enforcement and the military, the suspects included village chiefs, township council representatives, and county/city councilors.

Among 43 referred cases of this crime in 2018, 17 cases involved municipal or county/city councilors who used false “figurehead” or salary to defraud public funds from county/city councils or used a false sign-in sheet to defraud attendance fees; 11 cases involved public servants who used false attendance records to defraud the attendance salary, activity expenses, travel expenses, transportation fees or overtime pay; 8 cases involved public servants, municipal or county/city councilors, or township council representatives who claimed rewards or subvention with false receipts; 2 cases involved driving or assigning business cars for private use; 2 cases involved public servants who raised funds or collected fees from the public in the name of official duties; 1 case involved the village chief or secretary who falsely declared the wages of grassroots work in cleaning the environment within the village office; and 1 case involved the revenue official who requested bribes from taxpayers and pretended to protect them from paying fines.

2. Demanding, taking or promising to take bribes or other unlawful profits by acts that do not violate official duties, as stipulated in Subparagraph 3, Paragraph 1, Article 5

A total of 18 referred cases committed this crime, among which 13 cases were associated with government procurement. The main offenses were as follows: public servants designated the awarded suppliers that had participated in the design planning in violation of the Government Procurement Act; public servants improperly added the specific qualifications or special specifications to the tender documents to cause the specific suppliers to be awarded; public servants sheltered suppliers to claim construction payments with forged construction pictures or false receipts; and public servants were conscious that a contractor was behind schedule and had failed to complete the work prescribed in the contract before the deadline, but still allowed the contractor to pass the acceptance inspection and let it successfully obtain payment.

Other non-government procurement cases were as follows: Public servants of the municipal or county/city illegal building demolition brigade professed to defer or terminate the demolition of illegal buildings by lobbying the elected representatives; public servants of the municipal or county/city governments collected expediency fees for speeding up the application for the establishment of industrial parks on farmland; and public servants of the municipal environmental protection bureau took bribes from sewage treatment operators.

3. Demanding, taking or promising to take bribes or other unlawful profits by acts that violate official duties, as stipulated in Subparagraph 5, Paragraph 1, Article 4

A total of 17 referred cases committed this crime, among which 6 cases were associated with government procurement falling under public constructions projects. The main offenses were as follows: persons in charge of procurement and acceptance received bribes in cash or women's courtesy at hotels to help suppliers secure the bids by falsely budgeting, rigging the bids or leaking information on procurement requirements, specifications, and basic prices; and persons in charge of procurement and acceptance were conscious that suppliers' performance did not meet the bid requirements but received bribes to pass the acceptance and allow suppliers to obtain unlawful benefits.



Of other cases not involving government procurement, the majority were 5 cases associated with law enforcement. The main offenses were as follows: accepting bribes from casino operators without eradication, reporting on crackdowns or leaking information before seizure; and accepting bribes from prostitution or women's courtesy venues to avoid search or seizure.

Table 2-09 shows the number of cases referred under the applicable laws prescribed in the Criminal Code from 2014 to 2018.

The table shows the crimes which the referred cases committed from 2014 to 2018, including common fraud (101 cases), as stipulated in Paragraph 1, Article 339, the offense of occupying real property (79 cases), as stipulated in Paragraph 2, Article 320, the offense of making a false entry in an official document (53 cases), as stipulated in Paragraph 1, Article 213, the offense of public servants disclosing secrets relating to matters other than national defense (35 cases), as stipulated in Paragraph 1, Article 132, the offense of larceny (24 cases), as stipulated in Paragraph 1, Article 320, and the offense of breach of trust (23 cases), as stipulated in Paragraph 1, Article 342. Most of the aforesaid crimes also came out on top in the respective years.

In 2018, a total of 98 cases, including 28 "corruption/malfeasance cases" and 70 "non-corruption/non-malfeasance cases", were referred under the Criminal Code, accounting for 23.2% of all referred cases (98 cases/422 cases).

The former mostly belonged to the offense of making a false entry in an official document, as stipulated in Article 213 or Article 216, followed by the offense of disclosing secrets relating to matters other than national defense, such as police officers leaking others' personal information or procurement staff leaking confidential tender documents, as stipulated in Article 132; in addition, some cases committed the offense of taking advantage of authority, opportunity or method by the official position to intentionally commit an offense other than malfeasance under the Criminal Code and being subject to the increased punishment, as stipulated in Article 134.

The latter mostly belonged to the offense of larceny or unlawful occupancy of national territories or gravel embezzlement, as stipulated in Article 320, and the offense of fraud, including public funds embezzled by employees of state-owned enterprises or public and private school

Table 2-09 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (2) -in Accordance with the Criminal Code

Unit: Case

Article	Paragraph	Offense	2014	2015	2016	2017	2018	Total
122	2	Offense of accepting bribes and breaching one's duties	-	-	-	-	-	-
123	1	Quasi bribery-taking	1	-	-	-	-	1
129	2	A public servant intercepting or embezzling money or objects that should be issued to people	-	-	-	1	-	1
132	1	A public servant disclosing a non-state secret (excluding national defense secrets) without authorization	12	-	6	7	10	35
132	2	A public servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	-	-	2	3	-	5
132	3	A non-public servant disclosing a non-state secret (excluding national defense secrets) without authorization	-	4	-	1	2	7
134		Regulations of punishment increase on public servants that commit offenses	-	-	1	5	2	8
157	1	Luring someone to enter a lawsuit and then taking the case	1	-	-	-	-	1
159		Openly and without authority wearing the uniform or badge or making use of the official title of a public servant	-	-	-	1	-	1
165		Destruction of criminal evidence	1	-	-	-	-	1
169	1	Malicious accusation	1	-	-	-	1	2
185	3	Offense of attempting to endanger the safety of public traffic	-	-	1	-	-	1
187-2	1	Offense of nuclear radiation emissions	-	-	1	-	-	1
210		Offense of forging or altering private documents	6	1	1	2	-	10
211		Offense of forging or altering official documents	2	-	-	4	2	8
213		A public servant fraudulently filling in something on official documents	7	10	9	13	14	53
214		Causing a public servant to make fraudulent entries into official documents	1	-	1	1	1	4



Article	Paragraph	Offense	2014	2015	2016	2017	2018	Total
215		Fraudulently filling in something on private documents due to business	1	2	2	1	1	7
216		Using the forged, falsified, or false information entry documents	5	-	-	5	5	15
217	1	Forging a seal, the impression of a seal, or a signature	-	-	1	-	-	1
217	2	Using a seal, the impression of a seal without authority	1	-	1	-	-	2
231	2	A public servant harboring a person who makes a male or female to have sexual intercourse or make an obscene act with a third person	1	-	-	-	-	1
268		Offense of frequent gambling	1	-	-	-	-	1
276	2	Negligently causing the death of another on the occasion of profession or business	-	-	-	-	1	1
304	1	Offense of coercion	1	1	-	-	-	2
305		Offense of intimidation	-	-	-	-	1	1
320	1	Larceny	4	14	-	4	2	24
320	2	Larceny of real estate	42	-	6	8	23	79
321	1	Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	-	-	1	-	-	1
335	1	Embezzlement	1	3	-	1	1	6
336	1	Embezzling properties possessed on the occasion of official matters or public welfare	-	2	2	1	-	5
336	2	Embezzling properties possessed on the occasion of profession or business	2	-	1	2	2	7
339	1	Fraud (illegally gaining properties)	26	23	21	8	23	101
339	2	Fraud (illegally gaining profits)	-	2	-	1	2	5
339	3	Attempt on fraud	2	-	1	-	-	3
339-4	1	Offense of aggravated fraud	-	-	-	-	1	1
339-4	2	Offense of aggravated fraud	-	-	2	1	1	4
342	1	Breach of trust	13	1	3	3	3	23
342	2	Attempt on breach of trust	-	-	1	-	-	1
Total			132	63	64	73	98	430

teachers, as stipulated in Article 339.

(3) Statistics on Suspects

Table 2-10 shows the identity and gender of suspects referred from 2014 to 2018. Figure 2-04 shows the ratio of suspects referred in 2018 by gender and status.

Of the 1,406 criminal suspects referred in 2018, 1,184 were male suspects, accounting for 84.2% (1,184 people/1,406 people). High, medium and low-ranking male public servant suspects accounted for 89.5% (34 people/38 people), 89.1% (122 people/137 people), and 93.4% (85 people/91 people), respectively. The proportion of males in corruption/malfeasance cases was significantly higher than that of females, and the historical data also showed the same trend.

Figure 2-05 shows the proportion of the referred public servants, quasi-public servants, and elected representatives from 2014 to 2018. In 2018, the medium-ranking public servants accounted for the highest proportion, 45.7%, followed by low-ranking public servants, 30.3%, and high-ranking public servants, 12.7%, and quasi-public servants, 5%. The proportions over the past five years showed the same trend.

Table 2-10 Statistics on Suspect Profiles in Referred Cases over the Past 5 Years (by Status and Gender)

Unit: Person

Category Year	High-ranking Public Servant		Middle-ranking Public Servant		Low-ranking Public Servant		Quasi -Public Servant		Elected Representatives		Non-public Servant		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
2014	72	1	162	25	86	9	101	33	18	3	1,057	222	1,789
	73		187		95		134		21		1,279		
2015	32	2	110	17	115	16	27	11	14	5	845	257	1,451
	34		127		131		38		19		1,102		
2016	25	4	111	19	103	30	60	11	10	7	646	164	1,190
	29		130		133		71		17		810		
2017	21	5	133	28	65	13	6	-	15	9	636	178	1,109
	26		161		78		6		24		814		
2018	34	4	122	15	85	6	12	3	16	3	915	191	1,406
	38		137		91		15		19		1,106		
Total	184	16	638	104	454	74	206	58	73	27	4,099	1,012	6,945
	200		742		528		264		100		5,111		

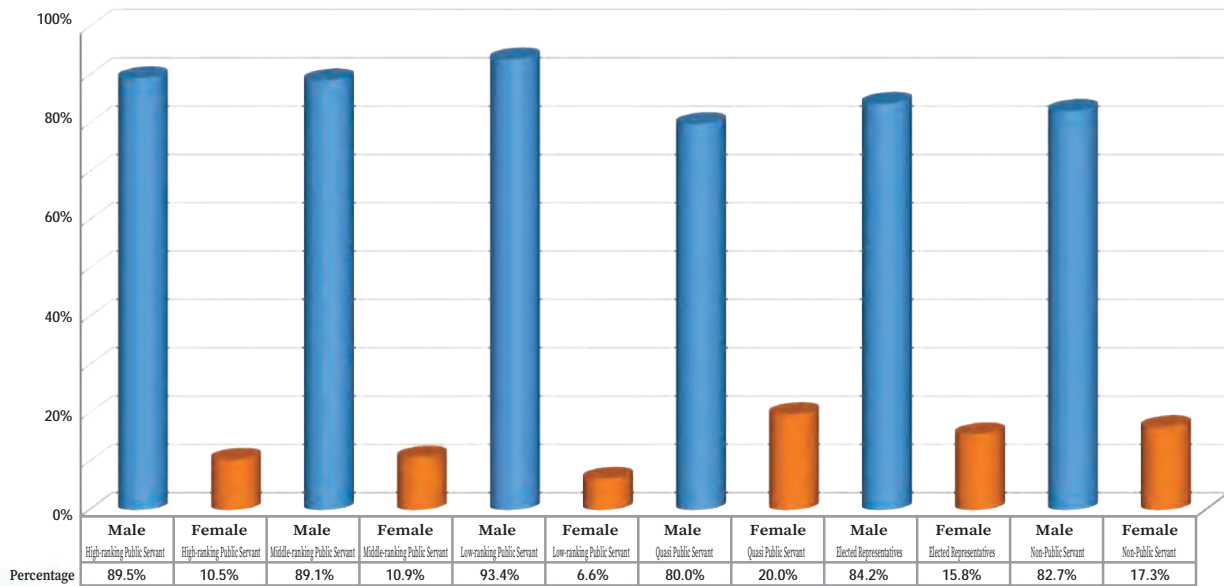


Figure 2-04 Ratio of Suspects' Gender and Status in Referred Cases in 2018

Table 2-11 shows the number of suspects referred in 2018 by key applicable laws.

In 2018, a total of 204 public servants, quasi-public servants, and elected representatives were referred under the Anti-Corruption Act, which was the most widely applicable law to public servants suspected of corruption/malfeasance. Among 158 non-public servants referred under the Anti-Corruption Act, 49 of them committed corruption/malfeasance stipulated in Articles 4 to 6 regarding public servants, and 109 of them committed bribery stipulated in Article 11. The bribe recipients included police officers of municipal or county/city governments, officers of the Army Logistics Command ○○ Depot (hereinafter referred to as the ○ Depot), officers of the public works and construction management division of municipal or county/city governments, and township/village offices, sergeant of municipal or county/city government fire department, assistants of the public works constructions of municipal or county/city governments, officers of the environmental protection bureau of municipal or county/city governments, contract cemetery administrators of township/village offices, township/village mayors, patrolman of Northern Branch, Coast Guard Administration, contract motor vehicle inspectors of the motor vehicle office of Directorate General

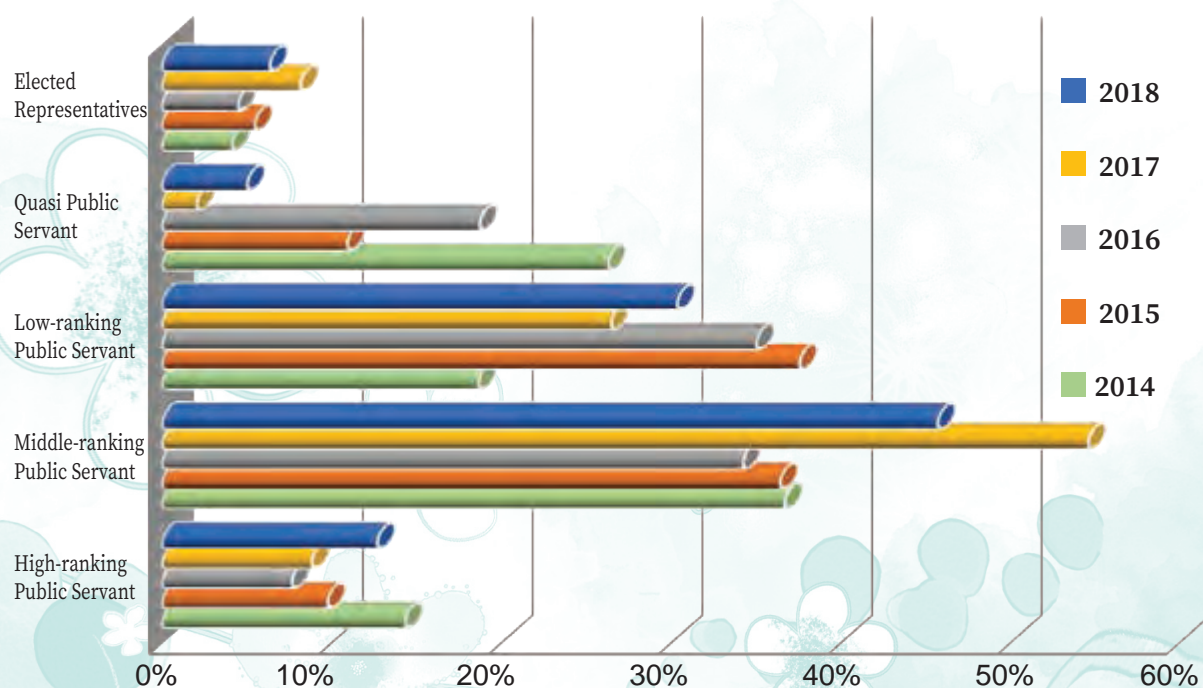


Figure 2-05 Ratio of Public Servants' Status in Referred Cases over the Past 5 Years

Table 2-11 Statistics on Suspect Profiles in Referred Cases in 2018 (1)
(by Key Applicable Laws and Status)

Unit: Person

Status \ Applicable Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
High-ranking Public Servant	28	-	9	1	38
Middle-ranking Public Servant	91	1	44	1	137
Low-ranking Public Servant	53	-	37	1	91
Quasi Public Servant	14	-	1	-	15
Elected Representatives	18	-	1	-	19
Non-public Servant	158	408	275	265	1,106
Total	362	409	367	268	1,406



of Highway, workmen of the Maintenance Office of Directorate General of Highway, contract officers of the Soil and Water Conservation Bureau, principals of public junior high schools, and physicians and head nurses at public hospitals.

The highest number of suspects referred under the Anti-Corruption Act in a single case was 24. This case involved a transportation parts manufacturer that rigged the bid for the purchase of Hummer and medium-sized tactical wheeled vehicle parts and engine parts at the ○ Depot and bribed the officer of the ○ Depot in charge of acceptance into accepting inferior parts imported from China. In case of insufficient delivery, the transportation parts manufacturer bribed the warehouse staff of the ○ Depot and the maintenance officers of the ○ Command Headquarters into making up the shortage with related medium-sized tactical wheeled vehicle parts in their stock. In exchange, a false installation trial report was prepared to pass acceptance.

In 2018, one public servant, who was a village chief, was referred under the Government Procurement Act. The public servant committed an offense as stipulated in Article 87 of the Government Procurement Act with non-public servants, which was not related to his/her position and power. A total of 408 non-public servants were referred, accounting for 29% (408 people/1,406 people) of all referred suspects. According to the statistics in the yearbooks in recent years, such situation has remained the same, indicating that the trend of trying to manipulate the chance of winning bids for government projects or procurement has not diminished.

Table 2-12 shows the number of suspects referred in 2018 by education.

Excluding unknown education, the table shows that the higher the rank of public servants, the higher the education; the education of elected representatives was average; the education of most of the non-public servants referred was senior high, followed by college and junior high or below.

Figure 2-06 shows the ratio of public servants referred from 2014 to 2018 by education.

A total of 300 public servants (including public servants, quasi-public servants, and elected representatives) referred in 2018 had confirmed education, including the majority at 35.3% (106 people/300 people) holding a bachelor's degree, followed by 28.3% (85 people/300 people) holding a college diploma; the master's degree or above accounted for 19.3% (58 people/300 people) ; the

Table 2-12 Statistics on Suspect Profiles in Referred Cases in 2018 (2)
(by Education and Status)

Unit: Person

Status \ Education	Master or Above	University	College	Senior High School	Junior High School or Below	Unknown	Total
High-ranking Public Servant	13	9	8	7	1	-	38
Middle-ranking Public Servant	27	55	35	15	5	-	137
Low-ranking Public Servant	8	32	38	11	2	-	91
Quasi Public Servant	5	7	1	2	-	-	15
Elected Representatives	5	3	3	2	6	-	19
Non-public Servant	118	212	231	301	233	11	1,106
Total	176	318	316	338	247	11	1,406

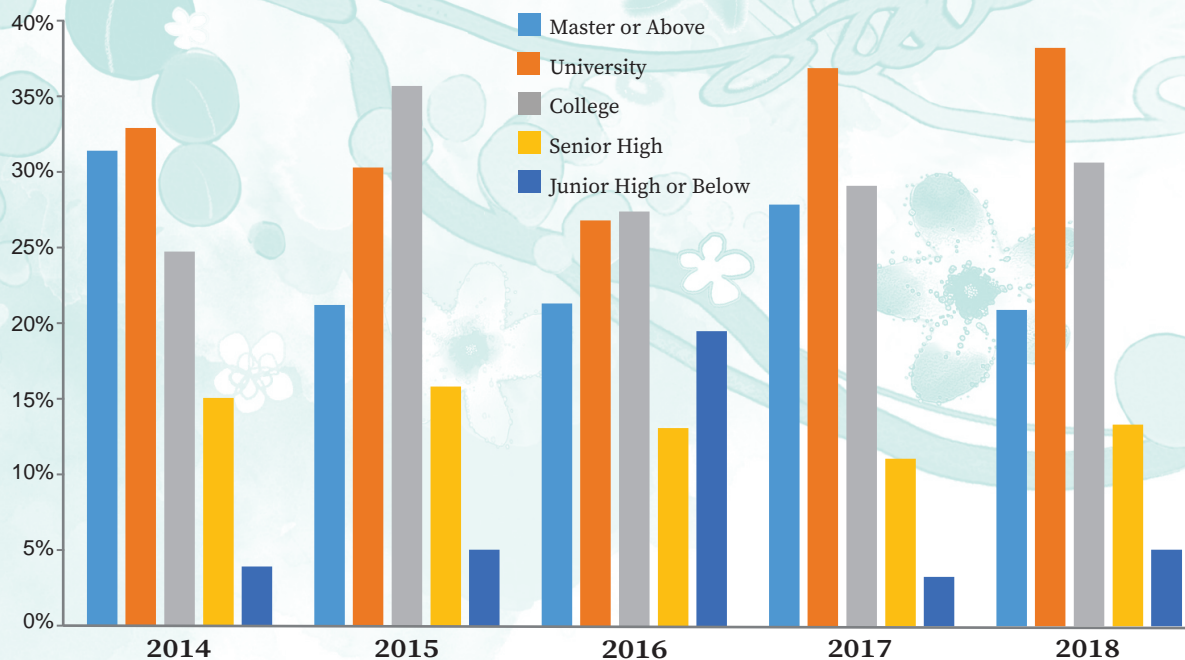


Figure 2-06 Ratio of Public Servants' Education in Referred Cases over the Past 5 Years



senior high degree accounted for 12.3% (137 people/300 people), and the junior high degree or below only accounted for 4.7% (14 people/300 people).

The overall distribution of education level from 2014 to 2018 was similar. The bachelor's degree and college diploma ranked in the top two. Although the percentage varied each year, the gap was small. In 2018, the percentage with a bachelor's degree increased slightly. It is worth noting that the master's degree or above has maintained a higher percentage over the past five years. In 2018, the master's degree or above accounted for 19.3%, which was related to the general promotion of educational attainment and the increasing willingness to engage in public service in the country.

Table 2-13 shows the number of elected public servants referred from 2014 to 2018. Among them, 19 elected representatives at all levels and 26 local governments mayors were referred in 2018 as follows:

Table 2-13 Statistics on Elected Public Servants Referred over the Past 5 Years

Unit: Person

Elected Representatives		2014	2015	2016	2017	2018	Total	Chief of Local Self-governing Body	2014	2015	2016	2017	2018	Total
Legislative Yuan	Legislator	-	1	-	-	2	3	County/City Mayor	1	-	-	-	-	1
	Speaker	-	1	-	-	-	1	Township Chief	9	8	6	7	10	40
County/City Council	Vice Speaker	1	-	-	-	-	1	Village Chief	6	11	13	22	13	65
	County/City Councilor	6	12	18	20	12	68							
	Chairperson	4	3	-	2	3	12							
Township Council	Vice Chairperson	1	1	-	1	1	4							
	Representative	9	1	1	1	1	13							
Total		21	19	19	24	19	102	Total	16	19	19	29	23	106

1. Legislator

The main offenses committed by the 2 referred legislators were as follows: One of them used false “figurehead” or salaries to defraud assistant fees from the Legislative Yuan during the service term, and one of them used authority to review budgets and proposals and extorted the fund from the administrative agency for paying expenses, such as free travel for voters, newspaper advertising fees, and gifts.

2. County/City Councilor

The main offenses committed by the 12 referred county/city councilors were as follows: 11 county/city councilors used false “figurehead” or salaries to defraud assistant fees from county/city councils during their service term, and 1 county/city councilor used a false sign-in sheet to claim attendance fees, transportation fees, and meal fees during meetings.

3. Chairman, Vice Chairman, and Councilor of Township Council

The main offenses committed by the 3 referred chairmen, 1 vice chairman, and 1 councilor were as follows: Two of them colluded with the public official of the township office to award the bid for a public construction project to a specific supplier and obtain a kickback at a certain percentage of the project amount; two of them forged the record of attendance for temporary council officers to claim the salaries; and one of them requested and agreed on bribes from the public by assisting in applying for agricultural certification.

4. Township Mayor

A total of 7 township mayors, 2 town mayors, and 1 district executive were referred. The main offenses were as follows: Five of them took advantage of their power to lead bids and received bribes or agreed on a kickback of a certain percentage of the project amount in advance to secure or designate specific suppliers to be awarded or pass acceptance; three of them drove official cars for private use in violation of the official car regulations; one of them used authority as a township mayor to extort property from subordinates; and one of them used authority as a township mayor to allow waste disposal businesses to dump construction waste at the landfill.

5. Village Chief



A total of 13 village chiefs were referred. The main offenses were as follows: Ten of them forged patrol records, falsely claimed the rent of an activity center or forged activity receipts to claim the subvention; one of them used authority as a village chief to profess to reduce the scope of demolition of illegal buildings and defrauded the public of their funds; two of them were involved in the offense of larceny or unlawful occupancy of national territories and illegal dumping against the Waste Disposal Act, which was not related to their authority and power.

2. Statistics on Vote-buying Cases

Elections that the existing laws regulate in terms of vote-buying conduct can be divided into two domains: public servant elections and non-public servant elections. The former encompasses 9 types of elections, namely the president/vice president, legislators, municipality mayors, county/city mayors, township mayors, village chiefs, councilors of special municipalities, county/city councilors, and township council representatives. The latter encompasses 3 types of elections, namely the farmers' association representatives and employees, fishermen's association representatives and employees, and persons in charge of political parties and persons at a central, municipal, and county/city level ^{6,7}.

The objectives of the bribery crackdown missions that the Bureau executes are defined according to the characteristics 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 and the Bureau's head office, to complete the various project missions with maximum bribery crackdown energy.

Vote-buying cases tallied in the Yearbook refer to the cases, following the Bureau's support of the prosecution agency with investigation, which the prosecutors of each district prosecutors office

⁶ Refer to Article 33 of the Political Parties Act promulgated on December 6, 2017.

⁷ According to Article 40 of the Act of Irrigation Association Organization amended in 2018, irrigation association organizations at all levels across Taiwan are changed into government agencies from the date of promulgation, and the election of members and chairpersons shall no longer be held afterwards.

(hereinafter referred to as the prosecutors office) has proceeded to file for public prosecution, apply 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, 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 accused are 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, the Yearbook, for the convenience of description, hereby classifies them as "prosecution cases."

The main task of the Bureau in 2018 was to investigate vote-buying cases pertaining to the "Local Public Servants Elections" organized on November 24, 2018. As the Local Public Servants Elections involved 9 types of local public servants, competition was fierce, causing candidates to make related arrangements one year prior to the election in the hope of being elected successfully. To ensure that the election of public servants was absolutely fair, the Bureau, according to the principle of administrative neutrality, began to draft the investigation plans and allocate administrative resources in the middle of 2018 to gradually launch each task in line with the election schedules. As of December 31, 2018, the Bureau worked with each prosecutors office to investigate 113 cases and prosecute 54 cases. The results of the prosecution of the remaining cases will be disclosed in 2019 and included in the "2019 Anti-Corruption Yearbook."

(1) Statistics on Prosecution Cases over the Years

Table 2-14 shows the total number of prosecuted vote-buying cases which the Bureau investigated between 1996 and 2018. Table 2-15 shows the total number of suspects prosecuted over the past 10 years. Taking the village chiefs' vote-buying cases in 2017 for example, no election of village chiefs was organized in 2017; the figures in the table represent the vote-buying cases pertaining to elections which were held in 2016 or earlier and prosecuted in 2017 based upon the Bureau's investigation and evidence gathered. Data associated with the elections of the year are marked in red to indicate clearly the anti-bribery result of each election.

As of 2018, a total of 54 cases were investigated and prosecuted. The results of the prosecution



Table 2-14 Statistics on Vote-buying Cases Prosecuted over the Years
(by Number of Cases)

Unit: Case

Year	Category of Election	President and Vice President	Municipality Mayor	County/City Mayor	Township Mayor	Village Chief	Legislator	Municipality Councilor	County/City Councilor	Township Council Representative	Farmers' Association	Fishermen's Association	Irrigation Association	Total
1996		1	-	-	2	-	51	-	-	-	-	-	-	54
1997		-	-	3	1	-	3	-	-	-	42	3	-	52
1998		-	-	12	15	13	8	-	32	9	3	-	-	92
1999		-	-	3	2	4	25	-	1	2	1	1	-	39
2000		6	-	1	-	-	1	-	2	-	1	-	-	11
2001		1	-	9	1	7	41	-	1	7	81	7	-	155
2002		-	-	23	57	98	46	-	141	60	9	1	-	435
2003		2	-	2	7	31	5	-	19	12	3	-	-	81
2004		7	-	-	2	-	20	3	-	-	-	-	-	32
2005		-	-	8	85	1	116	-	143	-	16	-	-	369
2006		1	1	36	94	95	4	3	185	77	1	-	-	497
2007		1	1	5	6	34	1	24	3	16	-	-	-	91
2008		5	-	-	3	8	127	2	2	1	-	-	-	148
2009		1	-	1	9	2	4	-	22	-	60	3	-	102
2010		-	-	14	67	56	4	2	130	49	8	1	11	342
2011		-	-	1	5	122	-	64	1	23	2	-	1	219
2012		5	-	-	1	6	30	-	-	3	1	-	-	46
2013		-	-	-	-	2	1	-	1	-	74	1	-	79
2014		-	-	-	2	8	1	1	4	6	4	-	13	39
2015		-	-	2	44	117	-	32	83	79	1	-	1	359
2016		-	-	-	5	11	37	1	8	4	-	-	1	67
2017		-	-	-	-	1	1	-	-	-	70	10	3	85
2018		-	-	-	8	18	-	3	2	16	6	1	-	54
Total		30	2	120	416	634	526	135	780	364	383	28	30	3,448

Note 1: A figure in red indicates a year with election.

Note 2: Before 2003, the election of "county/city mayor" includes that of "municipality mayor"; the election of "county/city councilor" includes that of "municipality councilor".

Note 3: The elections of public opinion representatives include those of the president and vice president of the Legislative Yuan, the speaker and vice speaker of a municipality council, the speaker and vice speaker of a county/city council and the chairperson and vice chairperson of a township council. The elections of farmers' associations and fishermen's associations include those of representatives, directors and supervisors. The elections of irrigation associations include those of the president and committee members.

Note 4: In addition to the major prosecution cases, the statistics also include summary judgments, deferred prosecutions and non-prosecution ex officio.

Table 2-15 Statistics on Vote-buying Cases Prosecuted over the Past 10 Years (by Number of Suspects)

Unit: Person

Category of Election Year	President and Vice President	Municipality Mayor	County/City Mayor	Township Mayor	Village Chief	Legislator	Municipality Councilor	County/City Councilor	Township Council Representative	Farmers' Association	Fishermen's Association	Irrigation Association	Total
2009	2	-	2	29	22	29	-	77	-	260	5	-	426
2010	-	-	39	304	172	15	12	773	195	39	2	46	1,597
2011	-	-	11	13	616	-	532	1	80	5	-	1	1,259
2012	8	-	-	4	18	208	-	-	16	3	-	-	257
2013	-	-	-	-	3	3	-	6	-	170	2	-	184
2014	-	-	-	17	19	3	4	7	33	18	-	82	183
2015	-	-	6	144	638	-	206	379	341	10	-	1	1,725
2016	-	-	-	25	31	388	5	107	6	-	-	1	563
2017	-	-	-	-	4	3	-	-	-	395	33	7	442
2018	-	-	-	62	55	-	6	3	86	26	2	-	240
Total	10	-	58	598	1,578	649	765	1,353	757	926	44	138	6,876

Note 1: A figure in red indicates a year with election.

Note 2: The elections of public opinion representatives include those of the president and vice president of the Legislative Yuan, the speaker and vice speaker of a municipality council, the speaker and vice speaker of a county/city council and the chairperson and vice chairperson of a township council. The elections of farmers' associations and fishermen's associations include those of representatives, directors and supervisors. The elections of irrigation associations include those of the president and committee members.

Note 3: The accused may be candidates, persons who conduct bribes, bribe receivers or other criminals connected with vote-buying cases.

for cases referred by the Bureau in 2018 and prosecuted after December 31, 2018 will be disclosed in the year of prosecution and will be included in the "Anti-Corruption Yearbook" for the coming year.

The potential people accused of vote-buying cases include the candidates and their vote captains, family, and friends and even those receiving bribes. For the local elections of county/city councilors, township mayors, township council representatives, and village chiefs, and the elections of fishermen's associations and farmers' associations, the prosecution of candidates accounts for a higher percentage; for the elections of county/city mayors and legislators, the percentage of vote



captains prosecuted is often higher than the percentage of candidates prosecuted due to a relatively wider constituency, more detailed division of labor, and an evidence-based legal system.

The main mission of the Bureau in 2018 was to investigate vote-buying cases pertaining to the "Local Public Servants Elections" organized on November 24, 2018. To ensure that the election of public servants was absolutely fair, the Bureau, based on the principle of political neutrality in administrative actions, drafted the investigation plans and allocated administrative resources to gradually launch each task in line with the election schedules and the Ministry of Justice's guidelines of bribery investigation. Among 54 vote-buying cases investigated by the Bureau in 2018, 3 cases involved the election of councilors of special municipalities, 2 cases involved the election of county/city councilors, 8 cases involved the election of township mayors, 16 cases involved the election of township council representatives, 18 cases involved the election of village chiefs, 6 cases involved the election of farmers' associations, and 1 case involved the election of fishermen's associations. The summary of prosecution is described as follows:

1. Election of Councilors of Special Municipalities

A total of 3 cases were prosecuted, including 2 cases involving vote-buying with gifts and 1 case involving vote-buying with money. The cases, occurring in Taichung City and Kaohsiung City, were mainly about the candidates for councilors of special municipalities or their vote captains buying votes from people with a right to vote with money or gifts.

2. Election of County/City Councilors

A total of 2 cases involving vote-buying with money were prosecuted. The cases, occurring in Hsinchu City and Taitung County, were mainly about the candidates for county/city councilors and their vote captains buying votes from people with a right to vote with money.

3. Election of Township mayors

A total of 8 cases were prosecuted, including 1 case involving the false relocation of household registration, 1 case involving vote-buying with gifts, 5 cases involving vote-buying with money, and 1 case involving other illegal acts. The cases, occurring in Yilan County, Hsinchu County, Miaoli

County, Changhua County, Yunlin County, Hualien County, and Penghu County, were mainly about that the candidates of township mayors and their vote captains bribed the eligible voters with money or gifts; provided lunchboxes and bottled water and organized a lucky draw in a pep rally; provided free shuttle buses for the bereaved and relatives to and from the crematorium; requested supporters residing in other districts to relocate to their electoral district for voting to them, so as to cause an incorrect result of the election.

4. Election of Township Council Representatives

A total of 16 cases were prosecuted, including 2 cases involving vote-buying with gifts, 1 case involving vote-buying with food and beverages, and 13 cases involving vote-buying with money. The cases, occurring in Yilan County, Hsinchu County, Miaoli County, Changhua County, Nantou County, Chiayi County, Pingtung County, and Penghu County were mainly about that the candidates and their vote captains, in order to win the election, bribed the eligible voters with money, gifts or free feasts.

5. Election of Village Chiefs

A total of 18 cases were prosecuted, including 8 cases involving vote-buying with gifts, 1 case involving vote-buying with food and beverages, and 9 cases involving vote-buying with money. The cases, occurring in Taoyuan City, Hsinchu City, Hsinchu County, Miaoli County, Taichung City, Nantou County, Tainan City, Kaohsiung City, Pingtung County, and Chiayi County, were mainly about the candidates for village chiefs buying votes from people with a right to vote with money or gifts; the candidates for village chiefs providing free feasts for voters to win the election.

6. Election of Farmers' Associations and Fishermen's Associations

From February to May 2017, the farmers' associations and fishermen's associations organized the election of grassroots members, directors and supervisors, and chairpersons. During the election, the Bureau worked with each district prosecutors office to investigate vote-buying cases. After the investigation, a total of 7 cases were prosecuted in 2018, including 1 case involving vote-buying with gifts, 3 cases involving vote-buying with money, and 3 cases involving other illegal acts. The cases, occurring in Taipei City, Taoyuan City, Changhua County, Tainan City, and Yilan County,



were mainly about that the candidates of grassroots members, directors and supervisors, managing supervisors, and chairpersons of farmers' associations and fishermen's associations bribed the eligible voters with money, gifts or tours. The candidate of the chairperson of a farmers' association promised to appoint a member's son as the director general after being elected; the director general of a farmers' association giving his/her farmland to a friend to be qualified as an "self-tilling farmer" and then requesting the friend to vote for the candidate for the member representative of the director general's clique.

(2) Statistics on Applicable Articles of Prosecution Cases

Of the existing law that bans and also clearly stipulates a criminal penalty for vote-buying conduct, in the domain of public servants 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 the other types of public servants elections are stipulated in the Civil Servants Election and Recall Act, and of those not stipulated by the aforesaid laws, relevant stipulations in the chapter, offenses of interference with voting, of the Criminal Code are applied; non-public servant elections are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, the Fishermen Association Act, and the Political Party Act.

On December 6, 2017, the Legislative Yuan promulgated the Political Party Act totaling 46 articles. According to Article 33, vote-buying agreements between electors and electees and running in or withdrawing from the election in exchange of interests with respect to the election of the person in charge and the staff at central, municipal and county/city levels in a political party are subject to punishment.

The legislative ground for Article 33 only shows that Article 33 is "passed by consultation". According to the Legislative Yuan's 9th Term 4th Session Consultation Meeting Minutes⁸ dated

8 Refer to the "Legislative Yuan Gazette", Volume No. 106, Section No. 90, Page 552 and below, website: <https://lis.ly.gov.tw/lgcgi/lypdf.txt?10609001;0535;0565>.

November 7, 2017, Article 33 was approved according to the articles proposed by the Ministry of the Interior. The Organic Laws and Statutes Bureau, Legislative Yuan describes the considerations for the establishment of Article 33 as follows: “Political parties are by nature in the public interest. Regulating vote-buying cases regarding the election of political parties enables incorrupt politics from within political parties; besides, political figures are often trained to serve for political parties. With the regulated election of political parties, people with talent and outstanding moral character can be elected to serve the political party and the country through a fair election.”

Table 2-16 Statistics on Vote-buying Cases Prosecuted in 2018
 (by Key Applicable Laws and Number of the Accused)

Unit: Person

Applicable Law		Disciplinary Action	Prosecution	Summary Judgment	Deferred Prosecution	Non-prosecution Ex Officio	Total
Civil Servants Election And Recall Act	Paragraph 1, Article 97 (Offering bribes to voters)		3	-	-	-	3
	Paragraph 1, Article 99 (Offering bribes to voters)		92	-	-	-	92
	Paragraph 2, Article 99 (Planning to offer bribes to voters)		9	-	1	-	10
The Farmers Association Act	Subparagraph 1, Paragraph 1, Article 47-1 (Eligible voters taking bribes)		5	-	13	2	20
	Subparagraph 2, Paragraph 1, Article 47-1 (Offering bribes to eligible voters)		6	-	-	-	6
The Fishermen Association Act	Subparagraph 1, Paragraph 1, Article 50-1 (Eligible voters taking bribes)		32	-	-	-	32
	Subparagraph 2, Paragraph 1, Article 50-1 (Offering bribes to eligible voters)		2	-	-	-	2
Criminal Code	Paragraph 1, Article 143 (Eligible voters taking bribes)		28	-	39	29	96
	Paragraph 2, Article 146 (Procuring an incorrect result from voting by fraud or other illegal means)		-	1	10	-	11
Total			177	1	63	31	272



Table 2-16 depicts the key applicable laws to the accused prosecuted in the vote-buying cases and the number of the accused in 2018. A total of 107 people were prosecuted under the chapter, offenses of interference with voting, of the Criminal Code, accounting for 39.3% (107 people/272 people), followed by 105 people prosecuted under the Civil Servants Election and Recall Act, accounting for 38.6% (105 people/272 people). The aforesaid vote-buying cases are described separately as follows by modes and applicable laws:

1. Bribery between the Candidates

Candidates or candidates with candidatures bribed each other and agreed to drop out of the election or conduct a certain campaign (commonly known as getting bribed to drop out the race). In 2018, this type of crime involved 3 people prosecuted in 2 cases. Depending on the status of bribers or bribe recipients, Paragraph 1 or 2, Article 97 of the Civil Servants Election and Recall Act was applicable; one case involved the bribery between candidates for township mayors, where an original candidate for township chief was bribed to participate in the election of town representatives at a price of NT\$50,000; the other case involved bribery between candidates for village chiefs, where a candidate for village chief was bribed to drop out of the election at a price of NT\$300,000~NT\$500,000.

2. Bribing the Voters

This mode of vote-buying cultivated popularity by providing feasts, tours or gifts for voters, or bought votes directly by providing money or through violence to make voters vote for the candidate based on the amount of gains instead of the knowledge and character of the candidate, ultimately causing an unfair result of the election. As this mode of vote-buying has a greater impact on the result of the election and public reactions, it has always been the focus of the government's crackdown on vote-buying. In the public servants election organized in 2018, a total of 92 people were prosecuted for bribing the voters and a total of 10 people were prosecuted for intending to bribe the voters in accordance with the Civil Servants Election and Recall Act. In terms of the non-public servants election, a total of 6 people were prosecuted for bribing the voters and a total of 20 people were prosecuted for taking bribes in the election of farmers' associations; a total of 2

people were prosecuted for bribing the voters and a total of 32 people were prosecuted for taking bribes in the election of fishermen's associations. According to the Farmers Association Act and the Fishermen Association Act, bribery is subject to imprisonment for up to 3 years. As a result, the prosecutors applied for ex officio non-prosecution, summary judgment, or deferred prosecution, depending on the case, in addition to prosecution.

(3) Statistics on Vote-buying Modes

Vote-buying cases are divided into two categories by law, namely bribery and other improper benefits; bribery means money or other property that can be calculated in money; other improper benefits mean any tangible or intangible benefits other than bribery that are sufficient for people's needs or desires.

The legal basis of the aforesaid other improper gains is for criminal elements to cater to the ever-changing social 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 Examples⁹ for the general public to refer to and abide

9 According to Taiwan High Prosecutors Office Letter Tai-Wen-Zi No. 1000017770 dated November 17, 2011, the Illustrated Vote-Buying Criminal Conduct Examples include the following: 1. Providing tea, meals or cash, notes, gift certificates, bills of lading or securities for supporters. 2. Providing everyday items with an economic value, such as electric cookers, thermos, and radios. 3. Providing domestic or international sightseeing tours, domestic tours or temple visits for free or at a discount, which is quite unproportionate to the cost. 4. Providing catering services or feasts for free or at a discount in the name of fundraising, gathering, or other similar activities, which is quite unproportionate to the cost. 5. Providing shuttle buses or transportation allowances between the residence and the place of voting. 6. Increasing salaries or bonuses or providing paid holidays. 7. Providing funds, uniforms, or supplies for activities organized by religious groups, fellowships, or other institutions or organizations in the name of donation. 8. Providing construction funds for counties, cities, townships, villages, communities, or organizations in the name of appropriation or subvention. 9. Distributing articles, prizes, and bonuses in the name of festival activities. 10. Providing prizes in the name of lucky draws or quizzes. 11. Entertaining at dance halls, lounges, karaokes, or other entertainment venues. 12. Acquiring national identity cards. 13. Removing from debt. 14. Paying the party membership fees for dummy head counts. 15. Paying the utility bills, taxes, insurance or other daily expenses, fees, fines, or compensation. 16. Selling meal coupons in exchange of money several times the value of the meal coupons after the election of the candidate. 17. Gambling and agreeing to give several times of bets after the election of the candidate. 18. Providing or referring job opportunities or good positions. 19. Giving lottery tickets and scratch-offs. 20. Giving agricultural and fishery products. 21. Providing services for free or at an



by, with timely revisions and amendments made alongside the state of practical implementation development, and of the latest amended version on November 14, 2011, it not only listed the 23 types of tangible vote-buying modes on which the practical legal practicing sector had reached a consensus, but also listed 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.

Because of the different types of elections, bribery is regulated separately in the Presidential and Vice Presidential Election and Recall Act, the Civil Servants Election and Recall Act, the Criminal Code, the Farmers Association Act, the Fishermen Association Act, and the Political Party Act; however, the elements and structure of bribery are similar, that is, to agree with persons with a right to vote not to exercise their right to vote or to exercise their right to vote in a certain way by soliciting, promising or presenting bribes or other improper benefits. By examining vote-buying cases the Bureau has investigated over the years, some of the more common vote-buying modes can be summarized into five major types, namely vote-buying with money, vote-buying with gifts, vote-buying with food and beverages, vote-buying with tours and vote-buying with funding donations.

Table 2-17 and Figure 2-07 show the modes of prosecuted vote-buying cases which the Bureau investigated over the past six years. The vote-buying modes are described separately as follows:

1. Vote-buying with Money:

In 2018, a total of 33 cases involving vote-buying with money were prosecuted, accounting for 61.11% of 54 prosecution cases in the year (33 cases /54 cases), while a total of 568 cases were prosecuted over the past six years, accounting for 83.16% of 683 prosecution cases (568 cases/683 cases). This mode of vote-buying accounted for the highest percentage, indicating that vote-buying with money was the most direct and efficient mode of vote-buying for candidates or their supporters.

unproportionate price. 22. Paying salaries, wages, consulting fees, or other allowances in the name of employment. 23. Delivering bribes for bribery in the name of campaign funds. 24. Soliciting, promising or presenting other types of bribes or improper gains.

However, the letter emphasizes that "whether each type of conduct constitutes bribery, it remains to be determined by the prosecutor according to the specific circumstances of the case."

Table 2-17 Statistics on Modes of Vote-buying Cases over the Past 6 Years

Unit: Case

Year \ Mode	Money	Gifts	Food and Beverage	Travel	Donations	Others	Total
2013	75	2	-	-	-	2	79
2014	31	5	1	-	-	2	39
2015	302	14	8	1	1	33	359
2016	56	1	3	-	-	7	67
2017	71	7	1	3	-	3	85
2018	33	14	2	1	-	4	54
Total	568	43	15	5	1	51	683

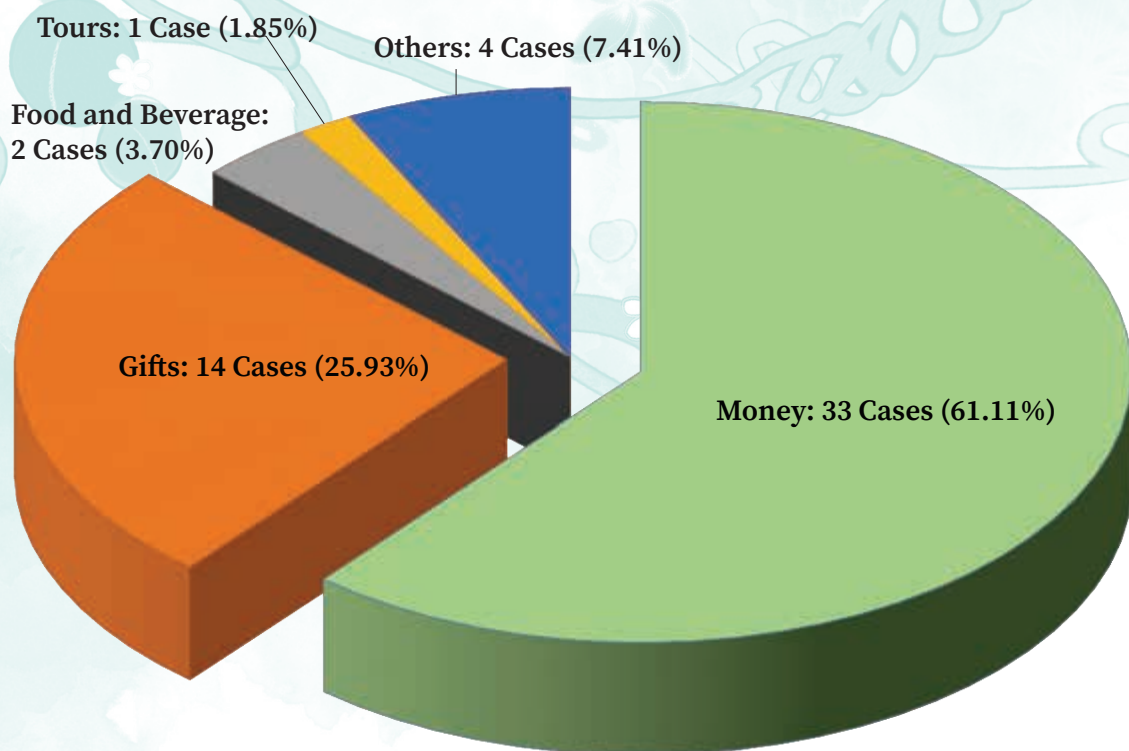


Figure 2-07 Ratio of Modes of Vote-buying Cases in 2018



Generally, regardless of the level of election duties, the amount of bribes for general voters was NT\$500 or NT\$1,000. During the elections in offshore islands or indigenous constituencies or those of some farmers' associations and fishermen's associations, the number of votes required for election was relatively small, so the amount of bribes per vote was relatively high.

2. Vote-buying with Gifts:

In 2018, a total of 14 cases involving vote-buying with gifts were prosecuted, accounting for 25.93% of 54 prosecution cases in the year (14 cases/54 cases), while a total of 43 cases were prosecuted over the past six years, accounting for 6.30% of 683 prosecution cases (43 cases/683 cases). Vote-buying with gifts usually occurs in the election of general voters. The most common choices for bribery are tea, wine, soy sauce, salad oil, porcelain, sausage and other staples. In this mode of vote-buying, candidates bestowed gifts in excuse of festival customs or reciprocity, by which to garner voters' favor and ask them to support their being elected or sway them from their decisions.

3. Vote-buying with Food and Beverages

In 2018, a total of 2 cases involving vote-buying with food and beverages were prosecuted, accounting for 3.70% of 54 prosecution cases in the year (2 cases/54 cases), while a total of 15 cases were prosecuted over the past six years, accounting for 2.20% of 683 prosecution cases (15 cases/683 cases). One case involved the election of town representatives and village chiefs, respectively. In this mode of vote-buying, bribers invited participants who had the right to vote in the name of an event and arranged the candidate to toast table by table, asking the participants to vote for him/her.

4. Vote-buying with Tours

In 2018, a total of 1 case involving vote-buying with tours were prosecuted, accounting for 1.85% of 54 prosecution cases in the year (1 cases/54 cases), while a total of 5 cases were prosecuted over the past six years, accounting for 0.73% of 683 prosecution cases (5 cases/683 cases). The case involved the candidate for chairman of a fishermen's association who arranged a group tours for the members of the same clique to avoid any rebellion and to win the election. The

members returned at 6 p.m. and directly went for voting. In recent years, such an obvious mode of vote-buying with tours has declined.

5. Others

In 2018, a total of 4 cases could not be categorized into the aforesaid types, accounting for 7.41% of 54 prosecution cases in the year (4 cases/54 cases). Among these 4 cases, 2 cases involved the election of farmers' associations and fishermen's associations; one case promised to secure a position inside the farmers' association after the candidate was elected; the other case involved the director general of a farmers' association giving his/her farmland to a friend to be qualified as an self-tilling farmer and then requesting the friend to vote for the candidate for the member representative of the director general's clique. This case was prosecuted for using the forged, falsified, or false information entry documents under Article 216 of the Criminal Code. In addition, 2 cases involved the election of township mayors; one case involved the false relocation of household registration for the election, as stipulated in Paragraph 2, Article 146 of the Criminal Code; the other case involved the candidate for township chief providing free shuttle buses for the bereaved and relatives to and from the crematorium.

In addition, there were different opinions on whether the false relocation of household registration prescribed in Paragraphs 2 and 3, Article 146 of the Criminal Code is applicable to the election of farmers' associations and fishermen's associations, and the front-line law enforcement didn't know whose suggestion to follow. The Bureau proposed this issue for discussion in the 2017 Seminar on Investigation of Elections of Farmers' Association and Fishermen's Associations¹⁰. The issue was later brought by the Taiwan High Prosecutors' Office to the Ministry of Justice for study.

According to the Ministry of Justice's reply¹¹, the right to vote prescribed in the chapter, Offenses of Interference with Voting, from Articles 142 to 148 of the Criminal Code refers to the right to vote at a political election duly authorized by law. Although farmers' associations have the nature of public welfare, they are non-statutory political bodies; therefore, the false relocation of

10 Proposed by the New Taipei City Investigation Office of the Bureau.

11 Ministry of Justice Letter Fa-Jian-Zi No. 10704513100 dated April 23, 2018.



household registration prescribed in Paragraphs 2 and 3, Article 146 of the Criminal Code is not applicable to the election of farmers' associations.

II. Professional Development

1. Seminars on Anti-Corruption Development

To assist the office and field officers in charge of case investigation in understanding the laws and regulations better, enhancing investigation techniques and absorbing new knowledge of case investigation in response to the Local Public Servant Election in November 2018, the Anti-Corruption Division of the Bureau organized the 2018 Seminar on Anti-Corruption Work at the cadre training center from August 14 to 16, 2018 for 110 section chiefs, deputy directors, secretaries, team leaders, officers, and operations in charge of anti-corruption work.

In terms of course arrangement, professionals in the justice system and office and field officers who were experienced in case investigations were invited to explain, discuss, or share experience in clue discovery, evidence collection, evidence judgment, legal application, due process legal procedures, and increase in the conviction rate in the hope of improving the officers' professional knowledge. In terms of external seminars, Prosecutor Hung, Chia-Yuan from Taiwan High Prosecutors Office and Chief Prosecutor Lin, Ying-Tzu from Taiwan Taichung District Prosecutors Office were invited to lecture on the "Election Investigation Practice" and the "Investigation of Unlawful Gains and New Confiscation System under the Criminal Code", respectively. In terms of internal seminars, the Director Huang and Section Chief Chang from the Anti-Corruption Division of the Bureau were invited to lecture on the "Anti-Corruption Work Concept and Its Practice" and the "Instructions on Corruption Case Investigation", respectively; in addition, the officer of the intelligence section introduced the "Anti-Corruption System and Its Practice"; the outstanding field officer was also invited to share experiences in case investigation. With these seminars, the Bureau expected to exchange opinions among colleagues and improve the skills in evidence collection. Last, Deputy Director General Lin hosted a panel discussion to exchange opinions and feedback.

2. Online Exchange and 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 an internal network Anti-Corruption Database at the Bureau at the end of 2004, by which to attain the functions of joint learning and sharing, and to compile case investigation and processing-related laws and regulations, practical views on substantive laws and procedural laws, various operational guidelines of the Bureau, and internal duty and field duty associates' routine work results, experiences, and reflections. With the database presenting 8 categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks, and bribery crackdown areas, these are updated regularly to promote sharing with the Bureau associates and attaining the ideology of refining professional competency and innovative working mentality.

3. Case Study Reports

The Bureau has the field units in charge of anti-corruption cases drawing high attention or involving institutional reforms or personnel changes in the year compile case study reports from time to time. The case study reports cover the discovery, investigation and evidence collection of cases and related systems reviewed, and are made available in the aforesaid Anti-Corruption Database for colleagues' reference.



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107

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