

中華民國（臺灣）政府
與

帛琉共和國政府

刑事司法互助協定

中華民國（臺灣）政府與帛琉共和國政府 刑事司法互助協定

中華民國（臺灣）政府與帛琉共和國政府（以下分稱「一方」，或合稱「雙方」），
基於相互尊重、互惠與共同利益，藉由刑事司法互助，以增進兩國所屬執法機關有效之合作，
同意訂立下列條款：

第一條 協助之範圍

1. 雙方應依本協定之規定，經相關機關，提供有關調查、追訴、法院程序、犯罪防制及相關刑事司法程序中之相互協助。
2. 協助應包括：
 - (a) 取得證言或供述；
 - (b) 提供作為證據所用之文書、紀錄及物品；
 - (c) 資訊交換；
 - (d) 確定關係人之所在或確認其身分；
 - (e) 文書送達；
 - (f) 執行搜索及扣押之請求；
 - (g) 勘驗物品及場所；
 - (h) 安排證人或專家之出庭；
 - (i) 確認、追蹤、凍結、扣押、沒收犯罪所得及犯罪工具，
並提供相關程序之協助；
 - (j) 依受請求方之內國法返還資產；
 - (k) 依本協定所為之資產分享；

- (l) 檢驗屍體及解剖；及
 - (m) 其他不違反受請求方法律之任何形式之協助。
3. 在請求方所屬領域內受調查、追訴或進行司法程序之行為，不論依受請求方所屬領域內之法律規定是否構成犯罪，除本協定另有規定外，均應提供協助。
4. 本協定僅供雙方間司法互助之用，不因而使任何私人有權獲取、隱匿、排除證據或阻礙請求之執行。

第二條

中央主管機關

1. 雙方之中央主管機關係指：
- (a) 代表中華民國（臺灣）政府者，為該國法務部或該部指定之人；
 - (b) 代表帛琉共和國政府者，為該國司法部或該部指定之人。
2. 中央主管機關應直接互相聯繫以遂行本協定之目的。

第三條

拒絕或暫緩協助

1. 有下列情形之一者，受請求方之中央主管機關得拒絕協助：
- (a) 請求之執行有危及國家主權、安全、公共秩序或類似之基本利益之虞，或有其他與其內國法不符之情形；
 - (b) 請求涉及政治犯行；
 - (c) 請求所涉犯行僅觸犯軍事法律，而未觸犯其他刑事法律；
 - (d) 請求與本協定不符；及

(e) 依第十四條（搜索及扣押）或第十六條（禁止處分及沒收）規定所為之請求，其所涉行為在受請求方不構成犯罪。

2. 如立即執行請求將有礙於受請求方進行之刑事調查、追訴或司法程序，或危及被請求方領域中任何人員之安全時，得暫緩執行。
3. 受請求方依本條規定拒絕或暫緩協助前，應與請求方協商是否在附加必要之條件後，再提供協助。如請求方接受，應遵守該等附加條件。
4. 受請求方應儘速將拒絕、全部或一部無法提供協助之理由通知請求方。

第四條

請求之形式、語言及內容

1. 請求協助，應以書面為之。但於急迫時，得以其他方式提出。若非以書面提出請求者，除經受請求方同意外，應於提出後十日內以書面供確認。請求協助除經受請求方同意外，應以受請求方所使用之語言提出。
2. 請求書應包括下列事項：
 - (a) 進行相關調查、追訴或司法程序之機關名稱；
 - (b) 案由及調查、追訴或司法程序性質，包括所涉之刑事罪名及其法定刑責；
 - (c) 請求所依據之事實摘要；
 - (d) 所需調查之證據、資料或其他請求協助之項目；
 - (e) 所需調查之證據、資料或其他協助事項之目的；及
 - (f) 期待執行之期限及說明。
3. 於必要且可行之範圍內，請求書應包括下列事項：

- (a) 提供證據者之身分、生日、國籍及其所在；
 - (b) 應受送達者之身分、生日、國籍及其所在，與司法程序之關係及送達方式；
 - (c) 關係人之身分及所在；
 - (d) 詳述搜索地點、受搜索人之身分及應扣押物品；
 - (e) 說明取得及記錄證詞或供述之方式；
 - (f) 待追蹤、限制、扣押或沒收財產之細節，及認定該財產係在受請求方之依據；
 - (g) 欲詢問之問題清單；
 - (h) 執行請求時，應遵守之特定程序；
 - (i) 人員經請求前往請求方所屬領土內可領取之差旅費及生活費有關之津貼及支出資訊；
 - (j) 保密要求；及
 - (k) 其他有助於受請求方執行請求之相關資訊。
4. 人員依本協定第九條（人員前往請求方）規定前往請求方，如有給予該人員在請求方領域時之安全措施，應於請求書載明其內容。
5. 如受請求方認為請求書所載內容不足，致受請求方無法執行該請求時，得要求請求方補充資料。
6. 除受請求方為執行請求所需，請求書及其附件無需任何形式之認證或驗證。

第五條

請求之執行

1. 請求之協助為請求方依其刑事法律無法執行者，受請求方無執行之義務。
2. 受請求方之中央主管機關應盡力立即執行請求，或於適當時轉由權責機關執行。受請求方之權責機關應在其內國法允許

範圍內，盡力執行請求。受請求方法院應有權核發傳票、搜索票或其他必要之令狀以利請求之執行。

3. 當請求之執行需採取司法或行政措施，該請求應由受請求方之中央主管機關指定之人交與適當之機關。受請求方應為適當之安排，以充分保障請求方在司法或行政程序中之權益。
4. 執行請求應依受請求方法律，並於不違反受請求方內國法之範圍內，依請求方指定之方法為之。
5. 受請求方之中央主管機關得安排請求書指定之人，參與請求之執行。
6. 受請求方之中央主管機關得要求請求方之中央主管機關，以受請求方指定之形式提供執行請求之必要資訊，或依受請求方法律及實務採取必要之處置，以使請求有效被執行。
7. 請求之回應有任何重大延誤之虞時，受請求方應立即通知請求方。
8. 受請求方之中央主管機關，對於請求方就執行請求進度所提出之合理詢問，應予回覆。
9. 受請求方之中央主管機關，應立即將執行結果通知請求方之中央主管機關。如該請求遭拒絕時，受請求方之中央主管機關應將拒絕理由通知請求方之中央主管機關。
10. 執行請求後，權責機關應將所獲資訊及證據轉交與請求方之中央主管機關。

第六條

保密、使用限制及資料保護

1. 受請求方於請求方要求時，應對協助之請求及其內容，盡力保密。如為執行該請求而無法保密時，受請求方之中央主管機關應通知請求方之中央主管機關，由請求方之中央主管機關決定是否執行該請求及執行之程度。

2. 除請求方經受請求方事前書面同意外，不得將依本協定所取得之資料或證據，使用或揭露於請求書所載範圍以外之用途。受請求方得附加必要之條款及條件，請求方如同意資料或證據受該條款及條件拘束，應盡力遵守之。
3. 請求方依其內國法進行司法程序，而有使用或揭露資料之義務時，不受本條限制。惟請求方應於揭露前盡可能事先通知受請求方。
4. 任一方如受其內國法禁止，得拒絕將依本協定執行請求所取得之個人資料傳送予他方。
5. 任一方傳送依本協定執行請求所取得之個人資料，得要求接收該等資料之另一方提供有關使用資料之資訊。
6. 執行請求時，除受請求方另有指明外，業經公開審理之資訊及證據，請求方得使用於任何用途。

第七條

在受請求方之證言或證據

1. 依本協定對受請求方所屬領域內之人取得證據者，受請求方於必要時，得以傳喚或其他受請求方內國法允許之方式，強制其出庭作證或提供文書、紀錄及物品等證據。
2. 受請求方之中央主管機關如受要求，應事先提供有關依本條規定取得證言或證據之日期及地點之資訊。
3. 受請求方執行請求時，得依第五條(請求之執行)允許請求書中所指定之人在場，並於雙方同意時，允許該人依受請求方內國法允許之方式，詢問證人或提供證據之人。
4. 依本條在受請求方作證或提供證據之人，於受請求方內國法律許可時，得拒絕作證或提供證據，且不因而受任何法律處罰。

5. 第一項所定之人依請求方法律之規定主張權利、豁免權、無行為能力或特權時，受請求方應通知並要求請求方提出書面聲明，說明依請求方法律該人之拒絕作證是否具充分理由。

第八條

視訊訊問

1. 在受請求方所屬領域內之人，若無法或不願前往請求方所屬領域，得在協助允許之範圍內，以視訊方式在請求方之司法程序中作證。
2. 以視訊方式訊問證人時，相關訊問程序應由受請求方之適當機關為之。
3. 以視訊方式訊問時，應在請求方權責機關監督下進行，而證據取得方法應依下列規定：
 - (a) 依受請求方之內國法，並考量請求方必要之程序要求；
 - 及
 - (b) 雙方所同意保護證人之任何方法。
4. 以視訊進行訊問時，受請求方之適當機關應負責下列事項：
 - (a) 確保程序經適當說明；
 - (b) 確定證人身分；
 - (c) 為保障證人權利而於必要時介入；
 - (d) 製作訊問之書面紀錄，紀錄應包括下列資訊：
 - I. 訊問之日期及地點；
 - II. 被訊問人之身分；
 - III. 其他參與訊問者之身分及職掌；
 - IV. 具結之細節；及
 - V. 訊問處所之科技設備；及
 - (e) 依本條進行訊問後，在實際可行之情況下應儘速傳送訊問紀錄。

第九條

人員前往請求方

1. 請求方請求特定人員前往請求方領域時，受請求方應邀請該人員前往請求方之適當機關：
 - (a) 協助刑事案件之調查；或
 - (b) 在請求方刑事案件司法程序中作證或提供證據，然不包括該案件之被告。受請求方應立即通知請求方有關該人員之回應。
2. 對於依本條同意提供協助之人員：
 - (a) 不得因該人員於自受請求方領域離境前之任何作為、不作為或有罪判決，而予以追訴、羈押、傳喚或以其他形式限制其人身自由；
 - (b) 除事先取得受請求方與該人員之同意外，該人員無義務在請求所未涉及之任何其他調查、追訴或司法程序中作證或協助；及
 - (c) 除偽證外，該人員不因其證言而遭受追訴。
3. 該人員應被告知依第四條第四項(請求之形式、語言及內容)及本條所要求之安全措施及任何支出或津貼之支付細節。同意出席之人員得要求請求方預付上開支出。預付款項得透過請求方之大使館或領事館提供。
4. 經請求出席之人員得以任何理由拒絕該請求，包括請求方未依本條給予安全措施。
5. 依本條所定之安全措施，應於請求方之中央主管機關以書面通知受請求方及該出席之人員，告以該人員依本協定已無出席之必要，而該人員於得自由離開後之十日內未離開，或於離開後自願返回時，終止之。

第十條 官方紀錄

1. 受請求方經請求，應將其政府部門及機關所持有之公開紀錄複本，提供予請求方。
2. 受請求方就其政府部門或機關持有之不公開紀錄之複本，包括任何形式之文書或資料，得在與提供本國執法、司法機關相同程度及條件下，提供予請求方。受請求方經裁量得就此等不公開紀錄，拒絕執行全部或一部之請求。

第十一條 文書送達

1. 受請求方應致力於合法送達請求方依本協定之規定所提出，與請求協助事項有關或為完成請求協助事項所需之文書，包括傳票或其他要求任何人於請求方所屬領域之刑事程序中出席之司法文書。
2. 依本條第一項所進行之任何傳票及司法文書送達，均不得課以超過依受請求方之法律所應負之義務。
3. 請求方請求送達之文書係要求特定人員前往請求方機關時，應於指定出席時間前之合理期間內，提出送達該文書之請求。
4. 縱傳票或其他司法文書載有罰則，任何人經傳喚未到，均不因而遭受處罰或受到任何方式之限制，除非該人員嗣後自願進入請求方所屬領域，並且在當地重新受到合法傳喚或經送達其他司法文書。
5. 受請求方得以郵遞，或經請求依請求方法律所定且不違背受請求方法律之方式，合法送達文書。
6. 受請求方應盡力依請求所指定之方式檢還送達證明。

第十二條

人或物品之所在或其辨識

如請求方尋求在受請求方內之人或物品之所在，或為身分、物品之辨識，受請求方應盡力查明之，並將結果即時回復請求方之中央主管機關。

第十三條

交換犯罪紀錄

任一方經他方請求，應提供他方國民受判刑及後續處分之紀錄。

第十四條

搜索及扣押

1. 請求方所提出搜索、扣押及移轉證物之請求，如載有資訊顯示該等處分及其執行係符合受請求方法律規定者，受請求方即應執行此等請求。
2. 受請求方應依請求方之請求，提供有關搜索結果、扣押地、扣押情況及扣案證物之後續保管資訊。
3. 受請求方得要求請求方同意任何經受請求方認定，為保護第三人就被移轉證物之權益所必要之條款及條件。

第十五條

返還證物

除受請求方放棄證物之返還，受請求方得要求請求方，儘速返還依本協定執行請求時所提供之任何證物，包括供證之文書、紀錄或物品。

第十六條

禁止處分及沒收

1. 雙方應依其國內法律，在司法程序及判決之執行中，彼此協助有關犯罪所得及犯罪工具之禁止處分及沒收程序。上述協助應包括對犯罪所得及犯罪工具所為之識別、追蹤及臨時性凍結、扣押或其他之暫時禁止處分，以待後續程序之進行。
2. 請求方之中央主管機關如知悉犯罪所得或工具位在受請求方所屬領域內，且得依受請求方法律被扣押或沒收時，得通知受請求方之中央主管機關。如受請求方有管轄權，得將此資訊提供與其權責機關，以決定是否採取妥適之處分。上開受請求方之權責機關應依其國家之法律作出決定，受請求方之中央主管機關則應確保請求方受到所採取處分之通知。
3. 依第二項採取暫時性處分之一方經請求，應在受請求方法律許可之範圍內，取得將該財產移轉予請求方之命令。
4. 除本協定第四條(請求之形式、語言及內容)所規定者外，在司法程序中或執行判決時，有關禁止處分及沒收之請求應另包括下列項目：
 - (a) 該財產之詳細說明；
 - (b) 該財產之所在及與本請求事項之關連性；
 - (c) 該財產與所涉犯行之可能關連性；
 - (d) 任何第三人對該財產之權益之詳細說明；及
 - (e) 經請求方中央主管機關認證之禁止處分或沒收命令之複本，如命令中未載明核發理由，應敘明之。
5. 受請求方應依其法律，處分經其禁止處分或沒收之犯罪所得或工具。任一方得依其各自法律可認為適當時，或依共同協議，移轉或分享該等資產或變價所得。被害人及善意第三人對該等資產之權利應被尊重。

第十七條

法醫師至請求方檢驗及解剖屍體

1. 請求方得請求受請求方指派法醫師至請求方領域內檢驗、解剖屍體，及就此等檢驗及解剖作證。
2. 前項請求及協助事項之執行，其辦法應由雙方簽訂瞭解備忘錄定之。

第十八條

費用

1. 受請求方應支付與執行請求有關之費用，但請求方應負擔下列費用：
 - (a) 專家證人之報酬及合理支出；
 - (b) 筆譯、口譯及紀錄費用；
 - (c) 有關人員在受請求方或依本協定第七條(在受請求方之證言或證據)及第九條(人員前往請求方)之差旅費及生活費有關之津貼及支出；
 - (d) 依本協定第八條(視訊訊問)建立、操作及維持視訊會議、視訊傳輸、電視連線及口譯、紀錄費用；
 - (e) 依本協定第十七條(法醫師至請求方檢驗及解剖屍體)受請求方法醫師至請求方檢驗屍體、解剖，及就此等檢驗、解剖作證之津貼及支出；及
 - (f) 其他經同意之費用或資源。
2. 在執行請求前或執行期間，明顯產生高額或超乎尋常之支出時，雙方應協商決定執行該請求之條款、條件及費用負擔之方式。

第十九條

與其他協定之關係

本協定未禁止任何一方依其他國際協定或各自法律規定，對另一方提出請求或提供協助。雙方亦得依任何可行之雙邊協議、協定或實務作法，提供協助。

第二十條

諮商

雙方之中央主管機關應於合意之時間，就本協定之適用及執行進行諮商。中央主管機關亦得同意採取有助於履行本協定所必要之作法。

第二十一條

爭議解決

任何因解釋、適用或執行本協定所生之爭議，於雙方主管機關無法自行達成協議時，應透過外交途徑解決之。

第二十二條

適用、批准、生效、修正與終止

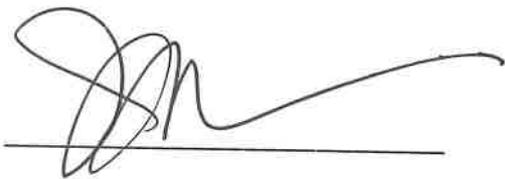
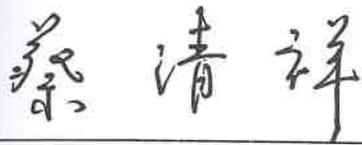
1. 本協定適用於生效後提出之所有請求，縱有關犯行係發生於本協定生效前，亦同。
2. 本協定須經批准，且雙方應儘速交換批准書。
3. 本協定應在雙方交換批准書之日後第三十日生效。
4. 本協定得經雙方同意後修正。修正規定應於完成本條第二項所定程序始生效力。
5. 任一方得以書面通知另一方後，終止本協定。本協定應自收受通知日後之六個月後失效。

為此，雙方代表各經其政府正式授權，爰於本協定簽署，以昭信守。

本協定於 2022 年 8 月 30 日在 台北 以中文及英文簽署一式兩份，兩種文本同一作準。

中華民國（臺灣）政府代表

帛琉共和國政府代表



蔡清祥
法務部長

席嫻杜
副總統
兼司法部長



**AGREEMENT ON MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS**

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC
OF CHINA (TAIWAN)**

AND

**THE GOVERNMENT OF THE REPUBLIC
OF PALAU**

**AGREEMENT ON MUTUAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF CHINA (TAIWAN) AND THE
GOVERNMENT OF THE REPUBLIC OF PALAU**

The Government of the Republic of China (Taiwan) and the Government of the Republic of Palau (hereinafter referred to individually as a "Party" or together as the "Parties"),

Desiring to improve the effective cooperation of the law enforcement authorities of both countries represented through mutual legal assistance in criminal matters on the basis of mutual respect, reciprocity, and mutual benefit,

Have agreed as follows:

ARTICLE 1

Scope of Assistance

1. The Parties shall provide mutual assistance through the relevant authorities, in accordance with the provisions of this Agreement, in connection with the investigation, prosecution, court proceedings and prevention of offenses and in proceedings related to criminal matters.
2. Assistance shall include:
 - (a) taking the testimony or statements of persons;
 - (b) providing documents, records, and items of evidence;
 - (c) exchanging information;
 - (d) locating or identifying persons;
 - (e) serving documents;
 - (f) executing requests for searches and seizures;
 - (g) examining objects and sites;
 - (h) facilitating the personal appearance of a witness or expert;
 - (i) identifying, tracing, freezing, seizing, confiscating or forfeiting the proceeds and instrumentalities of crime and assistance in related proceedings;

- (j) return of assets in accordance with the domestic law of the Requested Party;
 - (k) sharing of assets in accordance with the Agreement;
 - (l) inspecting corpses and conducting autopsies; and
 - (m) any other form of assistance not contrary to the laws of the Requested Party.
3. Except as otherwise provided in this Agreement, assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting Party would constitute an offense under the laws of the Requested Party.
4. This Agreement is intended solely for mutual legal assistance between the Parties, and shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

ARTICLE 2

Central Authorities

1. The Central Authorities of the Parties are:
 - (a) for the Republic of China (Taiwan), the Ministry of Justice or persons designated by the Ministry of Justice;
 - (b) for the Republic of Palau, the Ministry of Justice or persons designated by the Ministry of Justice.
2. The Central Authorities shall communicate directly with one another for the purposes of this Agreement.

ARTICLE 3

Refusal or Postponement of Assistance

1. The Central Authority of the Requested Party may refuse to assist if:
 - (a) the execution of the request would likely prejudice the sovereignty, security, public order or similar essential interests, or is otherwise inconsistent with its domestic law;
 - (b) the request relates to a political offense;

- (c) the request relates to an offense under military law that would not be an offense under ordinary criminal law;
 - (d) the request is not made in conformity with this Agreement; and
 - (e) the request is made pursuant to Article 14 (Search and Seizure) or Article 16 (Restraint, Confiscation and Forfeiture) and relates to conduct which, if committed in the Requested Party, would not be an offense.
2. The Requested Party may postpone execution of a request for assistance if immediate execution would interfere with an ongoing criminal investigation, prosecution, or proceeding or prejudice the safety of any person in the territory of the Requested Party.
 3. Before refusing or postponing assistance pursuant to this Article, the Requested Party shall consult with the Requesting Party to consider whether assistance can be provided subject to conditions it deems necessary. If the Requesting Party accepts assistance subject to the conditions imposed, it shall comply with such conditions.
 4. The Requested Party shall promptly inform the Requesting Party of the reasons for refusing to assist or for a decision not to comply in whole or in part with a request for assistance.

ARTICLE 4

Form, Language and Contents of Requests

1. A request for assistance shall be in writing. The Requested Party may accept a request in another form in an urgent case. If the request is not in writing, it shall be confirmed in writing within ten days thereafter unless the Requested Party agrees otherwise. The request shall be in the language used by the Requested Party unless otherwise agreed.
2. The request shall include the following:
 - (a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
 - (b) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including the specific criminal offense which relates to the matter and its applicable penalty;

- (c) a summary of the information giving rise to the request;
 - (d) a description of the evidence, information, or other assistance sought;
 - (e) a description of the purpose for which the evidence, information, or other assistance is sought; and
 - (f) details of any timeframe within which execution of the request is desired.
3. To the extent necessary and possible, a request shall also include:
- (a) the identity, date of birth, nationality and location of any person from whom evidence is sought;
 - (b) the identity, date of birth, nationality and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
 - (c) the identity and whereabouts of a person to be located;
 - (d) a precise description of the place or identification of the person to be searched and of the articles to be seized;
 - (e) a description of the manner in which any testimony or statement is to be taken and recorded;
 - (f) details of the property to be traced, restrained, seized, confiscated or forfeited, and of the grounds for believing that the property is in the Requested Party;
 - (g) a list of questions to be asked;
 - (h) a description of any particular procedures to be followed in executing the request;
 - (i) information as to the allowances and expenses related to travel and subsistence that a person asked to appear in the territory of the Requesting Party will be entitled to;
 - (j) confidentiality requirements; and
 - (k) any other information that may be brought to the attention of the Requested Party to facilitate its execution of the request.
4. Where the request involves the presence of a person in the Requesting Party, as provided for under Article 9 (Attendance of Persons in the Requesting Party) of this Agreement, the request shall include information on the extent of safe conduct, if any, to be

afforded to the person while he or she is in the Requesting Party.

5. If the Requested Party considers the contents contained in the request insufficient to enable the Requested Party to execute the request, it may request the Requesting Party to provide additional information.

6. No form of certification or authentication shall be required for a request for assistance or its supporting documents, unless otherwise necessary to enable the Requested Party to execute the request.

ARTICLE 5

Execution of Requests

1. The Requested Party shall not be obligated to execute a request for assistance that the Requesting Party would not be able to execute under its own criminal laws.

2. The Central Authority of the Requested Party shall endeavor to promptly execute the request or, when appropriate, transmit it to the competent authority having jurisdiction to do so. The competent authorities of the Requested Party shall use all measures available to the authority as permitted by its domestic laws to execute the request. The Courts of the Requested Party shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

3. When execution of the request requires judicial or administrative action, the request shall be presented to the appropriate authority by persons designated by the Central Authority of the Requested Party. The Requested Party shall make appropriate arrangements to ensure the interests of the Requesting Party are adequately represented in judicial or administrative proceedings related to the request.

4. Requests shall be executed in accordance with the laws of the Requested Party and, to the extent not prohibited by its domestic law, in the manner specified by the Requesting Party.

5. The Central Authority of the Requested Party may facilitate the participation in the execution of the request of such persons as specified in the request.

6. The Central Authority of the Requested Party may ask the Central Authority of the Requesting Party to provide information in such

form as may be necessary to enable it to execute the request or to undertake any steps which may be necessary under the laws and practices of the Requested Party in order to give effect to the request received from the Requesting Party.

7. The Requested Party shall promptly inform the Requesting Party of any circumstances which are likely to cause a significant delay in responding to a request.

8. The Central Authority of the Requested Party shall respond to reasonable inquiries made by the Central Authority of the Requesting Party concerning the progress of the execution of the request.

9. The Central Authority of the Requested Party shall promptly inform the Central Authority of the Requesting Party of the outcome of the execution of the request. If the request is denied, the Central Authority of the Requested Party shall inform the Central Authority of the Requesting Party of the reasons for the denial.

10. After the request has been executed, the competent authority shall forward to the Central Authority of the Requesting Party the information and evidence gathered.

ARTICLE 6

Confidentiality, Limitations on Use and Data Protection

1. The Requested Party shall use their best efforts to keep confidential a request and its contents, if such confidentiality is requested by the Requesting Party. If the request cannot be executed without breaching confidentiality, the Central Authority of the Requested Party shall so inform the Central Authority of the Requesting Party, which shall then determine whether, and the extent to which, the request should be executed.

2. The Requesting Party shall not use or disclose any information or evidence obtained under this Agreement for any purpose other than for the proceedings stated in the request without the prior written consent of the Requested Party. The Requested Party may impose such terms and conditions it deems necessary. If the Requesting Party accepts the information or evidence subject to such terms and conditions, the Requesting Party shall use its best efforts to comply.

3. Nothing in this Article shall preclude the use or disclosure of

information to the extent that there is an obligation under the domestic law of the Requesting Party to use or disclose such information for the purpose of judicial proceedings. The Requesting Party shall, wherever possible, notify the Requested Party in advance of any such disclosure.

4. Either Party may refuse to transfer personal data obtained as a result of the execution of a request made under this Agreement where the transfer of such data is prohibited under its domestic law.

5. Either Party that transfers personal data obtained as a result of the execution of a request made under this Agreement may require the other Party to which the data has been transferred to give information on the use made of such data.

6. Unless otherwise indicated by the Requested Party when executing the request, information or evidence, the contents of which have been disclosed in a public judicial hearing related to the request, may thereafter be used for any purpose.

ARTICLE 7

Testimony or Evidence in the Requested Party

1. A person in the territory of the Requested Party from whom evidence is requested pursuant to this Agreement may be compelled, if necessary, to appear and testify or produce items, including documents, records, and articles of evidence by summons or such other method as may be permitted under the domestic law of the Requested Party.

2. Upon request, the Central Authority of the Requested Party shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

3. The Requested Party may permit the presence of such persons as specified in the request under Article 5 (Execution of Requests) during the execution of the request and, subject to the domestic law of the Requested Party, the parties may mutually agree that such persons shall be permitted to present questions to the person giving the testimony or evidence.

4. A person from whom testimony or evidence is to be taken in the Requested Party pursuant to a request under this Article may decline

to give testimony or produce evidence where the domestic law of the Requested Party so provides and shall not be subject to any legal penalty as a result.

5. If the person referred to in paragraph 1 of this Article asserts a claim of right, immunity, incapacity, or privilege under the laws of the Requesting Party, the Requested Party shall notify and request the Requesting Party to provide a written statement whether the person's refusal was well-founded under the law of the Requesting Party.

ARTICLE 8

Examining Witness by Video Conference

1. A person within the territory of the Requested Party may give evidence in proceedings in the Requesting Party by video conference, to the extent such assistance is permissible, if it is not possible or desirable for the person to appear in the territory of the Requesting Party.

2. Where a witness is to be examined by video conference, the hearing shall be conducted before an appropriate authority in the Requested Party.

3. The hearing shall be supervised by a competent authority of the Requesting Party and evidence shall be given:

(a) in accordance with the domestic laws of the Requested Party, taking into consideration the necessary procedural requirements of the Requesting Party; and

(b) in accordance with any measures for the protection of the witness which have been agreed between the Parties.

4. At the hearing, the appropriate authority of the Requested Party shall be responsible for:

(a) ensuring there is appropriate interpretation of proceedings;

(b) establishing the identity of the witness;

(c) intervening, where necessary, to safeguard the rights of the witness;

(d) drawing up a record of the hearing which shall include the following information:

i. the date and place of the hearing;

- ii. the identity of the person heard;
 - iii. the identities and functions of anyone else participating in the hearing;
 - iv. details of any oaths taken; and
 - v. the technical conditions under which the examining took place; and
- (e) transmitting the record of the examining as referred to in this Article as soon as is practicable after the conclusion of the examining.

ARTICLE 9

Attendance of Persons in the Requesting Party

1. When the Requesting Party requests the appearance of a person in the territory of the Requesting Party, the Requested Party shall invite the person to appear before the appropriate authority in the Requesting Party :

- (a) to assist in the investigation in relation to a criminal matter;
or
- (b) to appear in proceedings to give or provide evidence in relation to a criminal matter in the Requesting Party, unless that person is the person charged.

The Requested Party shall promptly inform the Requesting Party of the person's response.

2. A person who consents to provide assistance pursuant to this Article shall:

- (a) not be prosecuted, detained, subject to service of process, or subjected to any other restriction of personal liberty in the territory of the Requesting Party for any acts, omissions, or convictions which preceded the person's departure from the Requested Party;
- (b) not be obliged to give evidence or assist in any investigation, prosecution, or proceeding in the Requesting Party other than that to which the request relates except with the prior consent of the Requested Party and the person; and

(c) not be subject to prosecution in the Requesting Party based on his testimony, except for perjury.

3. The person shall be informed of details of any safe conduct as required by Article 4(4) (Form, Language and Contents of Requests) and by this Article and any expenses or allowances payable. A person who agrees to appear may ask that the Requesting Party advance money to cover these expenses. This advance may be provided through the Embassy or a consulate of the Requesting Party.

4. A person whose presence is requested may decline the request for any reason, including if the Requesting Party does not grant safe conduct provided for by this Article.

5. The safe conduct provided for by this Article shall cease after a central authority of the Requesting Party has notified, in writing, the Requested Party and the person appearing pursuant to this Agreement that the person's presence is no longer required, and that person, being free to leave, has not left within ten (10) days thereafter or, having left, has voluntarily returned.

ARTICLE 10

Records of Government Agencies

1. The Requested Party shall, upon request, provide the Requesting Party with copies of publicly available records in possession of government departments and agencies of the Requested Party.

2. The Requested Party may provide copies of any records, including documents and information in any form, that are in the possession of a government department or agency in the Requested Party but not publicly available, to the same extent and under the same conditions as such copies would be available to its own law enforcement or judicial authorities. The Requested Party may in its discretion refuse to execute entirely or in part a request for records not publicly available.

ARTICLE 11

Service of Documents

1. The Requested Party shall use their best efforts to effect service of any document relating to or forming part of any request for

assistance made by the Requesting Party under the provisions of this Agreement, including any subpoena or other process requiring the appearance of any person in any criminal proceeding in the territory of the Requesting Party.

2. Service of any subpoena or other process by virtue of paragraph (1) of this Article shall not impose any additional obligation under the law of the Requested Party to comply with it.

3. The Requesting Party shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting Party a reasonable time before the scheduled appearance.

4. A person who has failed to answer a subpoena or other process to appear, service of which has been requested, shall not, even if the subpoena or other process contains a notice of penalty, be subjected to any punishment or measure of restraint, unless subsequently he voluntarily enters the territory of the Requesting Party and is there again duly subpoenaed or served with other process.

5. The Requested Party may effect service of any document by mail or, if the Requesting Party so requests, in any other manner required by the law of the Requesting Party that is not prohibited by the law of the Requested Party.

6. The Requested Party shall, wherever possible, return a proof of service in the manner specified in the request.

ARTICLE 12

Location or Identification of Persons or Items

If a request by the Requesting Party seeks the location or identity of persons or items in the Requested Party, the Requested Party shall make their best efforts to ascertain the location or identity of persons or items and promptly notify the results of its inquiries to the Central Authority of the Requesting Party.

ARTICLE 13

Exchange of Criminal Records

Each Party shall, upon request, inform the other of any criminal

convictions and subsequent measures recorded in respect of citizens of the other Party.

ARTICLE 14

Search and Seizure

1. The Requested Party shall carry out a request for the search, seizure, and delivery of any item to the Requesting Party if the request includes the information that would justify such action under the laws of the Requested Party and if it is carried out in accordance with the laws of that Party.
2. The Requested Party shall provide such information as may be required by the Requesting Party concerning the result of any search, the place of seizure, the circumstances of seizure and the subsequent custody of the evidence seized.
3. The Requested Party may require that the Requesting Party agree to any terms and conditions which the Requested Party may deem necessary to protect third party's interests in the items to be transferred.

ARTICLE 15

Return of Items

The Requested Party may require that the Requesting Party return any items, including documents, records, or articles of evidence, furnished to it in execution of a request under this Agreement as soon as possible unless the Requested Party waives the return of said items.

ARTICLE 16

Restraint, Confiscation and Forfeiture

1. The Parties shall assist each other to the extent permitted by their respective laws in proceedings and enforcement of judgments relating to the restraint, confiscation and forfeiture of the proceeds or instrumentalities of criminal offenses. This may include identifying, tracing, and provisionally freezing, seizing, or otherwise temporarily immobilizing the proceeds or instrumentalities pending further proceedings.

2. If the Central Authority of the Requesting Party becomes aware that proceeds or instrumentalities are located in the territory of the Requested Party and may be subject to seizure, confiscation or forfeiture under the laws of the Requested Party, it may so inform the Central Authority of the Requested Party. If the Requested Party has jurisdiction, it may present this information to its authorities for a determination as to whether any action is appropriate. The said authorities of the Requested Party shall issue their decision in accordance with the laws of their country and the Central Authority of the Requested Party shall ensure that the Requesting Party is notified of the action taken.

3. Upon request, the Party that has instituted provisional measures pursuant to paragraph 2 shall secure, to the extent permitted by its laws, an order authorizing the transfer of the property concerned to the jurisdiction of the Requesting Party.

4. In addition to the provisions contained in Article 4 (Form, Language and Contents of Requests) of this Agreement, a request for assistance in proceedings or enforcement of judgments relating to the restraint, confiscation or forfeiture proceedings shall also include:

- (a) details of the property in relation to which cooperation is sought;
- (b) the location of the property and its connection with the subject of the request;
- (c) the connection, if any, between the property and the offenses;
- (d) details of any third party interests in the property; and
- (e) a certified true copy of the restraint, confiscation or forfeiture order made by the central authority and statement of the grounds on which the order was made, if they are not indicated in the order itself.

5. The Requested Party in control of restrained, confiscated or forfeited proceeds or instrumentalities shall dispose them in accordance with its laws. Either Party may transfer or share assets or the proceeds of their sale with the other Party to the extent permitted by their respective laws as it deems appropriate or by mutual agreement. The rights claimed by victims and bona fide third parties over these assets shall be respected.

ARTICLE 17

Inspections and Autopsies of Corpses by Forensic Pathologists in the Requesting Party

1. The Requesting Party may request the Requested Party to appoint a forensic pathologist to inspect corpses, conduct autopsies and testify on such forensic examinations in the territory of the Requesting Party.
2. The implementation rules of the request and assistance in paragraphs 1 of this Article shall be stipulated by the parties by signing a Memorandum of Understanding.

ARTICLE 18

Costs

1. The Requested Party shall pay the costs relating to the execution of the request, except for the following which shall be paid by the Requesting Party:
 - (a) the fees and reasonable expenses of expert witnesses;
 - (b) the costs of translation, interpretation, and transcription;
 - (c) the allowances and expenses related to travel and subsistence of persons travelling either in the Requested Party or pursuant to Articles 7 (Testimony or Evidence in Requested Party) and 9 (Attendance of Persons in the Requesting Party) of this Agreement.
 - (d) the costs of establishing, operating, and servicing video conferencing, video transmission or television links and the interpretation and transcription of such proceedings pursuant to Article 8 (Examining Witness by Video Conference) of this Agreement;
 - (e) the allowances and expenses for forensic pathologists to inspect corpses, conduct autopsies, and testify on such forensic examinations in the territory of the Requesting Party pursuant to Article 17 (Forensic Pathologist Inspection and Autopsy in Requesting Party) of this Agreement; and
 - (f) other costs or resources as agreed.
2. If prior to or during the execution of a request it becomes apparent that execution of the request will require expenses of a

substantial or extraordinary nature, the Parties shall consult to determine the terms and conditions under which the request could be executed, as well as the manner in which costs shall be borne.

ARTICLE 19

Compatibility with Other Agreements

Nothing in the Agreement shall prevent either Party from requesting from or providing assistance to the other Party in accordance with other applicable international agreements, or pursuant to its laws that may be applicable. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement, or practice which may be applicable.

ARTICLE 20

Consultation

The Central Authorities of the Parties shall consult, at times mutually agreed to by them, on the application or implementation of this Agreement. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Agreement.

ARTICLE 21

Dispute Resolution

Any dispute regarding the interpretation, application or implementation of this Agreement shall be resolved through the diplomatic channels if the Central Authorities are themselves unable to reach an agreement.

ARTICLE 22

Application, Ratification, Entry into Force, Amendment and Termination

1. This Agreement applies to any request presented after its entry into force even if the relevant offenses occurred before this Agreement enters into force.

2. This Agreement shall be subject to ratification, and the instruments of ratification shall be exchanged as soon as possible.
3. This Agreement shall enter into force on the thirtieth (30) day after the date of the exchange of the instruments of ratification.
4. This Agreement may be amended by the mutual consent of the Parties. The amendments shall enter into force in accordance with the procedure set out in paragraph 2 of this Article.
5. Either Party may terminate this Agreement by means of written notice to the other Party. Termination shall enter into force six (6) months following the date of receipt of such notification.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE IN DUPLICATE, at Taipei on August 30, 2022 in the Chinese and English languages, both texts being equally authentic.

For the Government of the
Republic of China (Taiwan)



Ching-Hsiang Tsai
Minister of Justice

For the Government of the
Republic of Palau



J. Uduch Sengebau Senior
Vice President and
Minister of Justice