

**Press release from the Administrative Enforcement Agency
(AEA), Ministry of Justice**



Release date: October 6, 2021

Releasing authority: Administrative Enforcement Agency (AEA), Ministry of Justice (MOJ)

Spokesperson: Deputy Director-General Wu Yi-Tsung

Contact number: (02)26332528

No. 110-28

**AEA expands the business related to the entrusted enforcement and the auction
occurs during an investigation**

**to demonstrate the combined effect of the cooperation between the prosecution and
administrative execution systems under the Ministry of Justice**

In order to optimize the management of stolen property and evidence at each prosecutor's office through the professional skill and high efficiency of auctioning property of the administrative execution agencies, Minister of Justice Tsai Ching-Hsiang attached great importance on it and assigned Vice Minister Chang Tou-hui to coordinate, plan and integrate the authorities, and instructed the administrative execution agencies and the prosecutor's offices to provide assistance to each other and cooperate fully. The Ministry of Justice convened three meetings related to "Standard Operating Procedures for the Sale and Auction of the Property Seized by the Branches of Administrative Execution Agency with the Entrustment During Investigations, Trials, and after the Final Judgment" on May 14, August 5, and August 27, 2021. The meetings were hosted by Vice Minister Chang, and the Department of Prosecutorial Affairs, Ministry of Justice, Taiwan High Prosecutors Office, Taipei, Shilin, and Taichung District Prosecutors Offices, and the Administrative Execution Agency and Taipei, Shilin, and Taichung Branches were invited to discuss the matters related to the entrustment of sale and auction during investigations and after the final judgments. AEA points out that the said matters related to the entrustment of the sale will be expanded from September 1, 2021 by Taipei, New Taipei, Shilin, and Taichung Branches,

and further expanded from October 2021 by Chiayi, Tainan, and Pingtung Branches. It is expected to be fully implemented in December 2021.

AEA states that in accordance with the current Code of Criminal Procedure and the Contact Criteria of the Entrusted Business between the Prosecutor's Office and the Administrative Execution Agencies (hereinafter referred to as "Entrustment Criteria"), the prosecutor's office may entrust AEA branch with the following matters: "the sale of seized properties that may be confiscated or forced collected during investigation in accordance with Article 141 of the Code of Criminal Procedure", "the sale, distribution, and payment in accordance with Paragraph 1, Article 473 of the Code of Criminal Procedure", and "the investigation of the force collection of property or other related matters" (Paragraph 1, Article 2 of the Entrustment Criteria). Among the said matters, the sale during the investigation is against the seized properties that can be confiscated or force collected and "may be lost, damaged, lose value" (e.g., items with storage life) or "are inconvenient to be stored or the cost of storage are excessive" (e.g., sports cars, yachts), may be sold by the prosecutor before the end of the investigation and the price sold may be kept.

In practice, during the investigation of major criminal cases (e.g., fraud, drug cartel, etc.), in order to take into account both the investigation of evidence and the seizure of illegal gains, if the defendant's property seized during the investigation may lost, damage or lose value, the prosecutor may sale the seized items to secure the future confiscation of illegal gains. With limited staff and resources, if the prosecutor, depending on the status of the case, entrusts the branch of AEA to cooperate on the sale of seized items in accordance with laws when necessary, it will speed up the investigation of case and facilitate the confiscation of illegal gains earned for crimes. Since the implementation of the new confiscation system under the Criminal Code, there are around 80 sale cases of the seized and confiscate items which entrusted by the prosecutor's offices to AEA branches, and the total amount made from the sales is around NTD 60,000,000. This implementation helps to ensure the confiscation of illegal gains of crimes. Among the cases, the following successes draws the attention of the public: Taipei Branch sold the real estate of the late arms dealer

Andrew Wang, which is located at Jinmen Street, Taipei City and many shoes, purses and watches from luxury brands owned by the defendant a fraud case, Ms. Lin; New Taipei Branch conducted the procedure of returning the illegal gains of the Penghu Gambling Case to the victims; Taichung Branch sold the Ferrari and Maserati cars owned by the head of the fraud organization; Changhua Branch sold the Lamborghini sports car owned by the telecom fraud organization; Tainan Branch sold the ARIEL II yacht owned by the defendant violating the Banking Act etc. (Details are attached). These cases show an outstanding success.

AEA analyzes that the following advantages will be available, if the sale during investigations entrusted by the prosecutor's offices are expanded in the future:

1. Enhancing the effect of investigation:

With the professional skill of sale, AEA branches may provide assistance to the prosecutor's offices to enhance the effect of investigation.

2. Promoting the sale with a good price:

With the professional and efficient enforcement of AEA branches, the public will notice the sale and auction more, and the price of the properties may raised.

3. Raising the effectiveness of confiscation:

The seized items which the values are easily lose may be sold efficiently, and the effectiveness of the confiscation may be raised.

4. Protecting the rights of the defendant:

By the sale with the defendant's consent, the Branch will not only sale the item as soon as possible to avoid the loss of value, but also help to consider the defendant's attitude after committing the crime. Even if the defendant is found not guilty, the price will be return to him to fully protect his rights.

5. Optimizing the storage of the items:

This allows for the quick sale of the value of seized items which are difficult to store, reduces the labor costs and expenses of storage, and optimizes the management of the storage of stolen goods.

6. Ensuring the due process:

The procedural protection of the sale may be enhanced with the strict legal execution proceedings of AEA branches.

AEA has been entrusted with many cases of sale, with its professional skills and experience, the enforcement will be more efficient, and provide assistance on collecting the illegal gains from crimes, raise the value of administrative execution agencies and complete the task of enhancing public interests. In addition, with limited staff and resources of both authorities, the parallel contact and cooperation between the prosecutor system and administrative execution system have utilized a combined effect and set a successful standard for cooperation.