

法規名稱：AGREEMENT BETWEEN THE REPUBLIC OF CHINA (TAIWAN) AND THE REPUBLIC OF PALAU CONCERNING THE COOPERATION IN THE EXCHANGE OF INTELLIGENCE RELATED TO MONEY LAUNDERING AND TERRORIST FINANCING

簽訂日期：民國 94 年 03 月 03 日

生效日期：民國 94 年 03 月 03 日

The competent authorities of Investigation Bureau, Ministry of Justice, Republic of China (Taiwan) and the Republic of Palau Financial Institutions Commission, the Republic of Palau Financial Intelligence Unit hereafter referred to as "the Authorities", desire, in a spirit of cooperation and mutual interest, to facilitate the investigation and prosecution of persons suspected of money laundering, terrorist financing and criminal activity related to money-laundering.

To that end they have reached the following understanding:

- 1.The Authorities will cooperate to assemble, develop and analyze information in their possession concerning financial transactions suspected of being related to money laundering, financing of terrorism or criminal activities connected with money laundering. To that end, the Authorities shall exchange spontaneously or upon request any available information that may be relevant to the investigation by the Authorities into financial transactions related to money laundering and the persons or companies involved. Any request for information will be justified by a brief statement of the underlying facts. Such statements shall remain confidential and shall not be disclosed by the receiving Authority except upon permission of the sending Authority.
- 2.The information or documents obtained from the respective Authorities will not be disseminated to any third party, nor be used for administrative, prosecutorial or judicial purposes without prior consent of the disclosing Authority, save and except that such information and documents may be disclosed for exculpatory purposes. If such information and documents are to be disclosed for exculpatory purposes, the disclosing

Authority shall endeavor to provide the providing Authority with notice of the disclosure and an opportunity to object. It is understood that information obtained in accordance with this Agreement can only be used in connection with investigations related to money laundering originating from specific categories of criminal activity and the financing of terrorism. The predicate offenses for the offense of money laundering are defined as acts that would be criminal offenses under both jurisdictions penal laws, had the offense been committed in that jurisdiction.

- 3.The Authorities shall not permit the use or release of any information or documents obtained from the respective Authorities for purpose other than those stated in this Agreement, without the prior consent of the disclosing Authority.
- 4.The information and documents acquired in application of the present Agreement are confidential. They are subject to official secrecy and are protected by at least the same confidentiality as provided by the national legislation of the receiving Authority for similar information and documents from national sources. The Authorities explicitly warrant and agree that such information and documents are not subject to any "sunshine provisions". Notwithstanding the termination of the Agreement, this provision shall remain in application.
- 5.The Authorities shall jointly arrange, consistent with the legislation of their respective countries, for acceptable procedures of communication and shall consult each other with the purpose of implementing this Agreement.
- 6.Communication between the Authorities shall as far as possible take place in English.
- 7.The Authorities are under no obligation to give assistance if judicial proceedings have already been initiated concerning the same facts as the request is related to.
- 8.This Agreement may be amended at any time by mutual consent.
- 9.This Agreement is revocable at any time. The termination shall become effective as from the receipt of the written notificat-

ion from the other Authority.

10. This Agreement shall become effective upon the signature by
the Authorities.

Signed at Conference Room of Ministry of Justice, the Republic
of Palau on 3, March, 2005, in the Chinese and English languages
, both texts being equally authentic.

Director General
Investigation Bureau,
Ministry of Justice,
Republic of China
(Taiwan)

Vice President of the
Republic of Palau and
Minister of Justice
Republic of Palau

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Cherng-maw Yeh

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Elias Camsek Chin