

## Content

Title :	Regulations for Executing the Death Penalty 
Announced Date :	1948.07.30
Amended Date :	2020.07.15
Legislative :	<p>1.10 Articles adopted and promulgated in full on 30 July 1948 by the Ministry of Justice and Administration.</p> <p>2.10 Articles adopted and promulgated in full on 17 August 1955 by the Ministry of Justice and Administration.</p> <p>3.9 Articles adopted and promulgated in full on 17 March 1975 by Order No. (64) 02282 of the Ministry of Justice and Administration.</p> <p>4.9 Articles adopted and promulgated in full on 24 October 1990 by Order No. (79) 15402 of the Ministry of Justice and Administration.</p> <p>5. Articles 2, 3, and 5 amended and promulgated on 17 May 1991 by Order No. (80) 07366 of Ministry of Justice.</p> <p>6. Articles 1, 3, and 5 amended and promulgated on 31 December 2002 by Order No. 0910912313 of the Ministry of Justice.</p> <p>7.12 Articles adopted and promulgated in full on 15 July 2020 by Order No. 10904514050 of the Ministry of Justice, and this Regulation shall enter into force on 15 July 2020.</p>

- Article 1      These regulations are formulated in accordance with the provisions of Article 145 Paragraph 2 of the Prison Act.
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- Article 2      When accepting death penalty cases, as submitted by the Supreme Prosecutors Office, the Ministry of Justice shall carefully review the following matters:
1. Whether or not the prosecutor, the defendant and the defense attorney have all received the written judgment of the final and binding verdict.
  2. Whether or not more than twenty days has elapsed since the defendant and the defense attorney have been served with the final written judgment.
  3. Whether or not there are extraordinary appeals and/or retrial procedures in progress.
  4. Whether or not there is a petition in progress for an interpretation by the Justices of the Judicial Yuan.
  5. Whether or not there is a written reply after the pardon.
  6. Whether or not a written proposal is received, in which amnesties, pardons, or commutations were discussed pursuant to the Amnesty Act.
  7. Whether or not a condition as described in the provisions of Article 465 of the Code of Criminal Procedure exists.
- If the review by the Ministry of Justice identifies that one of the circumstances or grounds, as mentioned in the preceding paragraph, exists, the execution shall not be ordered before the conclusion of the relevant procedures.
- If there is any hint that a condition or matter, as provided in paragraph 1 subparagraph 3, exists, the Ministry of Justice shall send the case to the Supreme Prosecutors Office for a further review.
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- Article 3      After the Ministry of Justice approves an order to execute the death penalty case, a written order shall be sent to the Supreme Prosecutors Office to be forwarded to the relevant High Prosecutors Office, or its division office, so that an executive prosecutor may be assigned to execute the death penalty, pursuant to the law, within three days. However, if the executive prosecutor finds that the case does have grounds for a retrial or extraordinary appeal, he may telephone the Ministry of Justice for a further review within three days.

After the executive prosecutor requests a review in accordance with the provisos in the preceding paragraph, the Ministry of Justice shall request the Supreme Prosecutors Office, in writing, to review the case.

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Article 4

Prior to executing the death penalty, the prosecutor and the prison warden, or his/her official agent, or the superintendent of the subordinate division prison, shall verify and confirm, in person, the identity of the prisoner receiving the death penalty.

The prosecutor shall interrogate and confirm with the said prisoner the following information, and the attending clerk shall record the transcription:

1. The name, date of birth, and identification document number of the prisoner.
2. Inform the prisoner that the death penalty is to be executed on that day.
3. Whether or not there is a last message, and whether or not to notify designated family members, relatives, and/or friends. However, the number of recipients of designated notifications shall not exceed three persons.
4. Other questions, as deemed necessary.

The prisoner's last message, as mentioned in the subparagraph 3 of the preceding paragraph, may be recorded in audio or video format, and the duration of the message shall not exceed 10 minutes.

The last message, as mentioned in the preceding paragraph, shall be delivered to the prison authorities immediately by the clerk, and the family members, relatives, and/or friends designated by the prisoner shall be notified in an appropriate manner within 24 hours after the execution. However, those who cannot be notified or cannot be reached, or where the prosecutor deems that the contents of the message contains threats, intimidations, violations of the law, or other specific causes that are not suitable for notification, are exempt from such notifications.

Except for the family members, relatives, and/or friends, who are notified in accordance with the provisions of the preceding paragraph, the last message, as mentioned in paragraph 2 subparagraph 3, shall not be made public.

The transcript, as described in the first paragraph, shall be signed by the prosecutor and the attending prison warden, or his/her official agent, or the superintendent of the subordinate division prison.

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Article 5

The prison authority shall, according to the wishes of the prisoner, arrange for a chaplain to hold a religious ceremony, within a reasonable scope, before the prisoner enters the execution grounds for execution.

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Article 6

The execution of the death penalty shall be carried out by shooting, lethal injection, or other appropriate humane method.

In execution by shooting, the forensic medical examiner shall first introduce anesthetics to the prisoner by injection, or other appropriate method, and then authorize the execution shooting after the prisoner has lost consciousness.

In execution by shooting, a hood is placed on the prisoner with his back towards the executioner, the shooting target is set on the prisoner's back at the position of the heart. The distance between the executioner and the prisoner shall not exceed two meters.

A lethal injection, or other appropriate method of humane execution, as mentioned in the first paragraph, shall be carried out after an announcement by the Ministry of Justice.

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Article 7

The position of an executioner shall be served by the bailiff of the High Prosecutors Office, or its division office.

The bailiff of the High Prosecutors Office, or its division office, shall receive appropriate and regular on-the-job training; after performing an execution, counseling or psychological counseling shall be given to relevant personnel.

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Article 8

When more than twenty minutes has elapsed after the execution, the attending prosecutor and the forensic medical examiner shall immediately perform a re-examination.

After the execution of the death penalty, the execution agency shall submit the process report of the execution and forensic examination

results as performed by the forensic medical examiner, together with the interrogation transcript, examination letter, execution photos and other relevant materials, to the Ministry of Justice for filing.

When the prisoner is confirmed dead after re-examination, the prison authority shall immediately notify the prisoner's family members or nearest relatives of the execution results. If there are several family members, or nearest relatives, only one of them needs to be notified. If seven days elapse after the notification is delivered, as described in the preceding paragraph, no one comes forward to claim the prisoner's remains, or if the notification fails to reach anyone of interest, the prison authority may assist with the cremation process, and store the ashes in a columbarium.

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- Article 9           The execution of the death penalty shall be carried out in a suitable specific place in the prison.
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- Article 10          The execution shall be kept strictly secret, and no one shall enter the execution grounds except with the permission of the prosecutor, the prison warden, or his/her official agent, or the superintendent of the subordinate division prison.
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- Article 11          The death penalty shall not be executed on national holidays, or within seven days of the death of the prisoner's spouse, lineal relatives, or collateral relatives, within the third degree of kinship. Knowledge of the death, as mentioned in the preceding paragraph, is limited to notification of the prosecutor in charge and prison authorities, and the prisoner's family members or relatives, or others that are already known by the authorities.
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- Article 12          These regulations shall come into effect on July 15, 2020.
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