

**The Study of Extraterritorial Testimonies in
Extra/Trans-Territorial Criminal Cases : Review of Relevant
Supreme Court Cases in the Past Decade**

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Abstract

The needs to conduct extraterritorial criminal investigations and to use extraterritorial testimony have long existed in the criminal justice system due to the complex jurisdiction rules in the criminal law. But such demands have been foregrounded with the rise of the globalization in the recent decade. The increasing numbers of extra-/trans-territorial crimes thus pushed the courts in Taiwan to create certain evidential rules to admit extraterritorial evidence. Studies show that the courts tend to favor the prosecution in these cases. The courts must have felt the pressures to handle extra-/trans-territorial crimes, so that they have created rules that the current criminal procedural law does not allow, and thus violated the constitutional rights of the defendants. While acknowledging the needs to combat extra-/trans-territorial crimes, this paper urges the courts to respect the constitutional rights of the defendants in every case. Miscarriages of justice could equally happen even in strong cases in the public eyes.

Keywords: extra/trans-territorial criminal case, extraterritorial testimony, extraterritorial crime investigation, hearsay rule, the admissibility of evidence, the exclusionary rule, authentication.

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