

REPUBLIC OF CHINA

The laws of the Republic of China make no specific provision for group libel; Articles 309 and 310 of the Criminal Code, <sup>1/</sup> however, make the following provisions with respect to public insult and defamation:

Article 309. I. A person who publicly insults another shall be punished with detention or a fine of not more than 300 yuan.

II. A person who by violence commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

Article 310. I. A person who points out or circulates a fact which will injure the reputation of another with intent that it be communicated to the public commits the offence of defamation and shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

II. A person who by circulating a writing or drawing commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 1,000 yuan.

III. A person who can prove the truth of the defamatory fact shall not be punished for the offence of defamation unless the fact concerns private life and is of no public concern. <sup>2/</sup>

In its treatment of Article 310, the work Liu fa liu yung hui pien [Compilation of the Six Uses of the Six Codes] includes Judicial

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<sup>1/</sup> The Criminal Code of the Republic of China was promulgated on January 1, 1935, and put into effect July 1, 1935.

<sup>2/</sup> A Compilation of the Laws of the Republic of China, Vol. 2, Taipei, Taiwan, 1967, p. 168.

Yuan Interpretation Yuan 534 of 1931, which indicates that the word "another" as used in Article 310 shall include both a natural person and a juristic person.<sup>3/</sup> Although this Judicial Yuan Interpretation was issued prior to enforcement of the presently effective Criminal Code, from which Articles 309 and 310 are quoted above, its inclusion in this work in its treatment of Article 310 indicates that the Interpretation is applicable to the Criminal Code of 1935, as well as to the law in force at the time of the issuance of the Interpretation.

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<sup>3/</sup> Liu fa liu yung hui pien [A Compilation of the Six Uses of the Six Codes], Compiled by Mei Chang-hsieh and T'ao Pai-ch'uan, Vol. 4, Taipei, Chinese United Book Company, 1958, p. 480.

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