

Ma might only impede justice

Written by Taipei Times Editorial
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Lawyer and former Straits Exchange Foundation secretary-general C.V. Chen (陳永發) yesterday announced the establishment of the Anti-Obstruction of Justice Referendum Alliance, adding that former president Ma Ying-jeou (馬英九) has agreed to spearhead the campaign.

“It is our hope that holding a referendum on political interference in the practice of law could return a pure and clean space back to Taiwan’s judiciary,” Chen said.

He added that Control Yuan member Chen Shih-meng’s (陳希銘) remarks about taking action against judges who are biased against the pan-green camp and lenient on pan-blue members “undermine judicial independence through political interference.”

At first glance, it is encouraging to see a former head of state lend support to the call for an impartial judiciary. However, a closer look at Ma’s track record casts doubt on his credibility in leading such a campaign.

In September 2008, during Ma’s presidency, the then-Special Investigation Division stated during its investigation of former president Chen Shui-bian (陳水扁) over alleged financial irregularities that “the prosecutors will be dismissed if they do not produce a result.”

As the division was under the direct supervision of the prosecutor-general, who was nominated by the president, the remark drew accusations of interfering with the judiciary and criticism that Ma was attempting to pressure prosecutors.

In November 2010, when the Taipei District Court acquitted Chen Shui-bian and his wife, Wu Shu-jen (吳淑珍), of money-laundering and bribery charges, then-president Ma said that rulings “cannot be isolated from the public, let alone be opposed to the public’s reasonable expectations.” His remarks again sparked accusations of trying to interfere with the judiciary.

Less than a week later, Chen Shui-bian was found guilty of bribery in the Longtan (龍潭) land acquisition case.

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In 2013, Ma became embroiled in an alleged leak of classified information, which involved the wiretapping of then-legislative speaker Wang Jin-pyng's (王金平) telephone. As the investigation into Wang was still ongoing, Ma's meeting with then-prosecutor-general Huang Shih-ming (黃世明) not only went against the principle of confidentiality in an ongoing investigation, but also raised questions about his role in the case.

And in December last year, Ma at least gave the impression of interfering in the affairs of the Taipei District Prosecutors' Office when he filed a lawsuit against Taipei Chief Prosecutor Shing Tai-chao (盛泰超) and Taipei Prosecutor Wang Hsin-chien (王欣謙), and applied for the transfer of a case implicating him of financial irregularities related to the sale of Chinese Nationalist Party (KMT) assets to another jurisdiction.

Indeed, the judicial system is the last line of defense for justice, not to mention that Article 80 of the Constitution stipulates that judges shall be above partisanship, holding trials independently and in accordance with the law.

Under no circumstances should the impartiality of the judiciary be compromised. Judicial officials, be they investigators, prosecutors or judges, must refrain from employing bias in investigations, indictments and rulings.

However, given Ma's poor track record of maintaining judicial independence, his involvement in the campaign for a referendum against obstruction of justice might only erode rather than propel the campaign's momentum.

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