

Chen Shui-bian and Roger Lin may face death penalty in Taiwan over U.S. litigation claims

Written by Michael Richardson
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In a dramatic development that threatens the lives of two men, the longstanding American "strategic ambiguity" that has enshrouded Taiwan for 64 years is unraveling. Former Republic of China in-exile President Chen Shui-bian and Taiwanese politician and international legal expert Roger C.S. Lin have been subpoenaed by a Kaohsiung court for depositions on possible treason. The sentence for treason under the ROC administration is the death penalty.

Chen, commonly called A-bian, is now imprisoned with a life sentence for corruption following a controversial trial marred by a parody skit by court personnel mocking Chen. In a bid to gain freedom from his harsh life sentence Chen teamed up with legal scholar Roger Lin to involve United States courts in his case.

Lin, recently an appellant in the U.S. Supreme Court, has sought the use of U.S. courts to review the 1952 San Francisco Peace Treaty, which left Taiwan's post-World War II status in American hands. Lin won a declaration by U.S. Circuit Judge Janice Rogers Brown that Taiwan was caught in an American-imposed "political purgatory" when his case *Roger C.S. Lin, et al vs. United States* was heard earlier this year by the District of Columbia U.S. Court of Appeals.

Despite obvious sympathy for the 23 million residents of Taiwan whose "daily lives are infected" by the "strategic ambiguity" the federal appellate court said the matter was for the Executive to decide and Judge Brown urged President Barack Obama to act "expeditiously" to resolve the decades-old question of Taiwan's status.

Taiwan was Japanese territory commonly called Formosa at the end of World War II and under international rules of war the United States was the principal occupying power. In an effort to shore up the Kuomintang government of the Chiang Kai-shek against the Chinese Communist Party and the revolutionary forces of Mao Tse-tung the 7th Fleet of the U.S. landed Republic of China troops on Taiwan to accept the surrender of Japanese troops on the island in October 1945.

The advent of the Cold War, followed by the defeat of Kuomintang forces in China and then the outbreak of the Korean War all combined to lock Taiwan in a perpetual ambiguity and four decades of martial law under the Republic of China in-exile. To this day the 23 million people of Taiwan lack representation in the United Nations and World Health Organization because of the unresolved legal status.

Under the dictatorship of Chiang Kai-shek and later his son Chiang Ching-kuo it was considered treason to advocate for Taiwan's independence and many were imprisoned or executed. The investigation of Chen and Lin for treason under the present Kuomintang administration of Ma Ying-jeou harks back to the repression of the past.

Ma and Chen are old political adversaries and both served as Mayor of Taipei. Chen is serving a life sentence for corruption while Ma narrowly escaped prosecution for corruption. Ma has just been elected chairman of the Kuomintang while holding the ROC office of President despite a

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campaign pledge not to hold both posts.

Lin is the founder of the Formosa Nation Legal Strategy Association and a spokesman for the Taiwan Civil Rights Litigation Association. The lead plaintiff in *Lin v. United States*, Roger Lin sought to clarify U.S. responsibility to the people of Taiwan under the San Francisco Peace treaty that ended World War II with Japan. From his jail cell, Chen has made claims that he took orders from the U.S. government during his two terms as President of the Republic of China in-exile.

Lin's legal organization then assisted Chen in filing an appeal to the U.S. Court of Appeals for the Armed Forces which the court refused to accept the day after the U.S. Supreme Court declined to review the San Francisco Peace Treaty in early October. Now both men have been subpoenaed to appear at the offices of Taiwan's High Court prosecutor's office on October 27th to submit to interrogation.

ROC Minister of Justice Wang Ching-feng announced in late September she would investigate Chen for treason in light of his affidavit to the U.S. military court that he was an agent of the U.S. government while serving as ROC President from 2000 to 2008. The United States has continuously used Taiwan as a base of secret operations and at one point during the Vietnam War 10,000 operatives of the Central Intelligence Agency station were based on the island.

Chen's willingness to tell state secrets about hidden U.S. involvement in Taiwan could be a diplomatic bombshell that would shred the "strategic ambiguity" that America has enforced on the island depriving it of full international recognition and ending the Communist claim that Taiwan is a renegade province of mainland China.

Despite U.S. Circuit Judge Brown's admonition to President Obama to act "expeditiously" to end Taiwan's "political purgatory" the White House has been silent on Taiwan's status and the President and Secretary of State Hillary Clinton have bypassed Taiwan on their international travels.

Source: [Boston Progressive Examiner, Michael Richardson](#)