

## KMT asserts ownership of Taiwan prosecutors

Written by Taiwan News Editorial  
Friday, 22 January 2010 08:08

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The impeachment by the Control Yuan of Supreme Public Prosecutor Chen Tsung-ming Tuesday marks the reassertion of ownership over Taiwan's prosecutors by the President Ma Ying-jeou's ruling Chinese Nationalist Party (Kuomintang) and has grave implications for the defense of judicial independence and basic human rights for all Taiwan citizens.

On Tuesday, the Control Yuan voted by an eight to three margin to impeach the chief public prosecutor and file an injunction to force his resignation three years before his fixed term was scheduled to end only a week after a similar vote failed for lack of evidence.

There is no doubt that Chen Tsung-ming has been controversial since he was nominated by former president Chen Shui-bian and confirmed in February 2007 the KMT-controlled Legislative Yuan, which had rejected Chen's first nomination of current Judicial Yuan Secretary-General Hsieh Wen-ting who was perceived as "too independent" from both political camps.

The fact that the chief public prosecutor was nominated by the maligned ex-president and received legislative confirmation due to vigorous support by Taiwan-born Legislative Yuan Speaker Wang Jin-pyng had already made it impossible for "deep blue" hardline KMT legislators to trust the new chief prosecutor, whose energetic push to clamp down on vote bribery in the January 2008 legislative elections further angered KMT lawmakers.

As a result, when the KMT regained "complete governance" after Ma took office in May 2008, KMT lawmakers began to push to "settle accounts" through impeachment proceedings with the chief prosecutor who had also had few friends in the opposition Democratic Progressive Party (DPP) for his lack of vigor in prosecuting KMT officials for special funds malfeasance.

Moreover, the prosecution of the Chen Family cases under the guidance of the chief public prosecutor was clearly not up to the expectations of President Ma or hard-line KMT lawmakers who utilized pro-KMT media to incessantly attack Chen's personal shortcomings and spread rumors that he was being "soft" on the former president.

Justice Minister Wang Ching-feng, openly stated that the chief public prosecutor had held

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private meetings with "controversial persons" and publically dropped hints that Chen Tsung-ming "should know when to come and when to go."

Hence, it has long been evident that, as in other fields of government, Ma did not have the grasp of democratic principles or patience to allow Chen to complete his four - year term.

Ironically, on Jan. 5, the Control Yuan had reviewed the petition by KMT lawmakers to impeach Chen but the motion was defeated by a six to six vote, a development that sparked intense attacks on the Control Yuan on pro-KMT media talk shows.

Then, on Jan. 13, KMT Secretary-General King Pu-tsung attributed the DPP's Jan. 10 sweep of three legislative by-elections to the inability of the Ma government to satisfy "fundamental" supporters and cited the failure to impeach the supreme public prosecutor as a key example.

The fact that the Control Yuan reversed their Jan. 5 decision less than a week after King's declaration is a "coincidence" that has sparked considerable unease in legal and political circles.

The reaction of prosecutors was visible by the decision of all of the members of the the Special Investigative Unit directly under the supreme public prosecutor to resign, while other prosecutors voiced anger over the harm caused to the credibility of Taiwan's judiciary caused by this transparent and clumsy act of political interference.

Nevertheless, the heavy-handedness of this action masks a cunning political agenda to ensure control over the judiciary.

After all, if the chief public prosecutor can be changed at will, the judicial system can be effectively controlled by the ruling party even if judges remain nominally independent.

Convergence with China

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Ironically, despite the "red herring" use of an alleged meeting between the chief prosecutor and a key witness in the Chen Family case, Chen Tsung-ming was by no means a confidant of the former DPP president and only gained his post due to the support of most KMT lawmakers who demanded legislative confirmation of a presidential nominee and fixed terms to secure "independence."

Chen's premature ouster and Ma's opportunity to name his own person to this critical post without any countervailing pressure from lawmakers violates the intent for greater independence and professionalism among prosecutors.

The demonstration value of Chen's premature ouster will ensure that few prosecutors will dare to indict KMT candidates for vote bribery, but will likely enjoy a free hand to prosecute malfeasance, real or manufactured, on the part of former DPP central government or current DPP local officials.

And, if the MOJ secures passage of draconian revisions to the criminal code, victims of political prosecution and the defense attorneys in Taiwan, as in China, will find themselves unable to openly protest defamation or judicial or prosecutor violation of human or judicial rights under pain of imprisonment for "contempt of court" or "contempt of prosecutors."

In sum, the ouster of the chief public prosecutor represents a thinly veiled move to return to the era during which, as crowed by ex-KMT secretary-general Hsu Shui-teh, "the KMT owns the courts."

Source: [Taiwan News Online - Editorial 2010/01/22](#)