

The trial of former president Chen Shui-bian (陳水扁) was a test of Taiwan's young democracy — and the country received just average marks, observers say.

The Taipei District Court on Friday found 58-year-old Chen — in detention since December — guilty of embezzling state funds, laundering money, accepting bribes and committing forgery.

DOUBTS REMAIN

Questions remain over whether his life sentence was a sign of a healthy legal system or reflected serious problems with the independence of the judiciary.

“One may see a banana republic,” said Murray Rubinstein, a history professor at Baruch College who has written or edited several books on Taiwan's history and politics. “But I remain an optimist and see it all as a painful learning curve — and this trial is just the latest step in this process.”

Chen's sentencing marked the climax of the most controversial trial in Taiwan's history.

The judiciary did what it was designed to in the Chen case, but could have done much better, Judicial Reform Foundation director Lin Feng-cheng (林鳳城) said.

“The case shows that nobody is above the law and that even a former president can be tried under Taiwan's judicial system, which is progress for the rule of law,” Lin said. “However, there were many problems during the investigation and trial, especially regarding Chen's detention.”

REVENGE?

While Chen himself has called the trial against him and his wife an act of revenge carried out by political opponents for a life devoted to independence from China, some analysts have difficulties discerning an outright vendetta.

“The investigation was launched and prosecution of his wife was started while Chen was president,” said Jerome Cohen, a law professor at New York University. “He would have been indicted while president if the law had not barred prosecution of a sitting president.”

But Cohen argued that the way the court handled the case was open to criticism, citing a “disturbing” mid-trial switch of a judge.

LETTER TO MA

In a letter to President Ma Ying-jeou (馬英九) early this year, nearly 30 international academics warned that “the erosion of the judicial system” could jeopardize Chen's right to a fair trial.

“Taiwan's judicial system must be not only above suspicion but even above the appearance of

Chen trial was a test of democracy, analysts say

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suspicion, of partiality and political bias,” the letter said.

A prisoner serving a life sentence has the opportunity of being granted parole after spending 15 years in jail.

Chen’s next trial will be a chance for the legal system to make up for its shortcomings so far, observers say.

“One hopes the second-instance trial ... will redo the case in a way that will lead people to believe that evil has been punished in a fair and proper way,” Cohen said.

DETENTION

Legal experts have called for Chen’s release from detention so he can prepare his defense in a more unhindered manner than has been the case so far.

“The High Court should give Chen a fair chance to defend himself when he appeals the ruling, but this will be very difficult if he is still in custody,” Lin said.

The Democratic Progressive Party on Saturday said it hoped there would be no repeat of the “many flaws and disputes that violated due process during the first trial.”

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