

Taipei court says Ma not guilty of leaks

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Judge Liao Chien-yu answers reporters' questions at the Taipei District Court yesterday after the court found former president Ma Ying-jeou not guilty of leaking official secrets.

Photo: CNA

The Taipei District Court yesterday found former president Ma Ying-jeou (馬英九) not guilty of libel and leaking of confidential information in the first ruling on a lawsuit filed by Democratic Progressive Party caucus whip Ker Chien-ming (柯建銘).

The court said there was insufficient evidence to prove allegations that Ma had requested then-prosecutor-general Huang Shih-ming (黃世銘) to leak information from a judicial investigation, obtained through wiretapping of a telephone conversation in September 2013.

Ker filed libel charges against the former president on Oct. 3, 2013, accusing him of contravening the Personal Information Protection Act (個人資料保護法) and the Security and Surveillance Act (安全及監聽法).

Taipei District Court Chief Judge Liao Chien-yu (廖正興) said Ma was accused of asking his then-personal secretary Lin Yu-chen (林育晨) to call Huang and request that he visit Ma at his presidential residence on Sept. 1, 2013 — a call that lasted one minute and 46 seconds.

WIRETAPPING

Ma allegedly asked Huang, who was in charge of the Special Investigation Division (SID) of the Supreme Prosecutors' Office, to submit a report — which contained details obtained

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through wiretapping — regarding alleged improper political lobbying in conversations between Ker and then-legislative speaker Wang Jin-pyng (王金平).

“Witness testimonies and documentation presented by Ker were unable to prove that Ma had instructed Huang to present any information obtained through the SID’s probe and results from the wiretapping. As such, there was no indication he ordered others to leak confidential information,” Liao said.

NOT LIBEL

“Regarding Ma’s accusations that Ker conducted improper political lobbying, the court finds that Ma’s comments belong within the scope of public interest and that Ma gave his commentary with good intentions and therefore is not in breach of libel laws,” Liao added.

“We thank the Taipei District Court judges for undertaking this case and for their efforts to uncover the truth and make an appropriate ruling that conforms with the law,” Ma’s office said.

Ker said that the ruling was a “grave mistake” and that he would appeal.

“Huang, who was convicted of leaking state secrets, committed the crime at Ma’s instruction, but the court cleared Ma, a ruling that is inconsistent with Huang’s conviction,” Ker said.

Criticizing the verdict, which said that a crucial call record could not prove that Ma ordered Huang to leak state secrets, Ker said Ma’s guilt was evident, but he was acquitted because there was no audio recording of Ma giving the order.

“The judge has acquitted Ma on trivial details, but ignored the damage he has done to the constitutional mechanism. This negligent ruling cannot convince the public, and the verdict is written just like Ma’s defense,” Ker said.

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DPP spokesman Wang Min-sheng (王敏生) said the ruling could not disguise that Ma intervened to try to oust a political rival, and called on the court to make a fair judgement.

The Taipei District Prosecutors' Office on March 14 indicted Ma on charges of leaking classified information and abuse of authority in connection with the Ker-Wang conversation.

Additional reporting by Chen Wei-han

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