

## Neo-Formosa Magazine Launch and Chen Shui-bian's Defense

Written by Jerome F. Keating Ph.D.

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Today Chen Shui-bian's Office will be launching or re-starting the publication of the Neo-Formosa Magazine, a magazine for which Chen was charged with libel twenty-three years ago. Chen's Office will use that occasion to present some of the key points in their defense against the indictments that he faces and the up-coming judgment by the court on September 11. Below is the abstract of their case, a case that they are bringing to the people because in their mind, the court has been biased not only in its indictments but also their imprisonment and handling of the trial. Of all the accused political people in Taiwan's history, whether Party chiefs, presidential candidates, party chairman etc. Chen is the only one who was jailed and held incommunicado for over a half a year. The abstract follows.

On September 11, 2009, the Court of Judge Tsai Shou-hsun will give its verdict in the case of Taiwan versus Chen Shui-bian as regards charges of corruption, money-laundering, and misuse of state funds.

When that verdict is given, the media and the public will be presented with simply that, a resulting verdict; they will not see the reasons, methods and machinations, proper or improper, by which the prosecutors and judge worked to achieve that end, nor will they see the defendant's side of the story.

In this particular case, the very manner, bias and selective prosecution by which it has been instigated, pursued and handled have demonstrated that it is more a case of political persecution and vendetta with a predetermined result in mind than one involving the pursuit of justice and truth.

It is for that reason and with anticipation of a predetermined verdict of guilty (which will then be appealed) that former President Chen Shui-bian has chosen not to initially present an elaborate defense. At the same time, however, he also feels obligated to present his side of the case for the media and the people to see so that they will all the better be able to follow it in the appeal.

In Taiwan, the laws and regulations governing such matters as the presidential state affairs funds, the gathering and use of campaign donations, and political special allowances have always been vague and gray. They are inherited from the martial law, non-transparent, one-party state days of the Chinese Nationalist Party (KMT) where their vagueness and ambiguity were purposely designed to allow the ruling class maximum flexibility in manipulating

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monies and property for their profit and benefit.

It has only with the first democratic selection of the President by direct vote of the people (1996) and the presidency of Chen Shui-bian (2000-2008) that the rules and laws have begun to be more transparent and focused. Even with that, they still remain more like guidelines with gray areas open to interpretation. Chen's defense will focus on these areas. As President he spent more money of the state affairs fund than he requested therefore it would be impossible to pocket it. On money sent overseas, it is admitted that family members transferred large amounts. Culturally Chen should have controlled this, but the court has yet to produce legal evidence that personally links Chen to this. Further given the vague and flexible laws on political donations such amounts are not unusual. Finally, the court has consistently used indictments to fish for evidence, applied a double standard and selective process in prosecution and abused its powers repeatedly in the detention and interrogation of Chen and co-defendants.

A more detailed argument will follow.

Source: [Jerome F. Keating's writings](#)