

Injustice Continues in Chen Shui-bian's Trial

Written by Jerome F. Keating Ph.D.
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Injustice flows from granting too much power to an agency or government and that continues to be the case in Taiwan. The collaboration of prosecutors and witnesses, plea discussions and immunity negotiations continue to easily lead to a fabrication of evidence where the intimidated witnesses say what the prosecutors want them to say. Professor Jerome Cohen's critical remarks of Taiwan's legal process again hold center stage as run of the mill prosecutors are allowed free rein in the courts. The most recent abuse has been that when the unconstitutional holding of Chen Shui-bian finally went into effect, the prosecutors drummed up new charges so that they could still keep Chen in jail. Review these past highlights.

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The unprofessional and discriminatory attitude of the prosecutors. The prosecutors swear they will resign if they don't convict Chen Shui-bian. The prosecutors unprofessionally mock Chen Shui-bian's guilt in a skit. The Minister of Justice condones this unprofessional behavior.

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Stacking the deck Chen Shui-bian is illegally held in comunicado. The prosecutors forbid Chen to talk to his defense counsel without them being present. The prosecutors want to know Chen's defense even as it is planned. The prosecutors do not give Chen's lawyers the full testimony taken in their questioning. The prosecutors do not give Chen's lawyers time to digest whatever they do give them.

A venal persecution.

The prosecutors have had over two years to prepare their case yet they insist they need to keep Chen incarcerated as they stack the deck as if a high profile person like Chen could leave the country.

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Chen is initially released from prison after charges by the judge. The prosecutors twice appeal this release but the judge overrides them. The prosecutors have the judge replaced and get one who is sympathetic to their views. Chen is put back in prison.

Chen's being put back in prison is ruled unconstitutional. This decision is not enforced immediately after the Supreme Court decision. The judge waits till the ruling goes through the legal paperwork time to delay the release of Chen for weeks.

When it becomes official the prosecutors drum up new charges to keep Chen in jail.

While this is going on, Taiwan's pan-blue media try to make the case that Chen is the corrupt one.

Whether Chen Shui-bian is guilty or not remains to be proven. Thus far, Chen Shui-bian is only indicted on charges of embezzling US\$3.12 million. Despite that, he has been in jail over 160 days. Diane Lee is a known "crook" who illegally took about the same amount--US\$3 million. She illegally took that US\$3 million and illegally made laws for the nation. She has never been indicted, nor has she seen a day in jail. She is free to run with her US passport.

James Soong has been convicted three times for money-laundering; the total amount that he laundered for those three times approaches the US\$3 million for which Chen is accused. Soong has never spent a day in jail despite three convictions. He is even suspected of laundering much more.

There is a strong need for self-examination regarding an apparent inferiority complex among many Taiwanese. It may be the result of suffering from over 50 years captivity and the Stockholm Syndrome/propaganda of the Chinese Nationalist Party (KMT). These Taiwanese allow themselves to be swindled by the colonial KMT yet they cannot see the injustice to one of their own.

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