

As international SCHOLARS and writers who applauded the transition to democracy, that began in the late 1980s, we are deeply concerned about the backsliding of freedom, democracy and human rights under the current administration in Taiwan.

While an erosion of democracy and justice has been ongoing since this administration assumed office in 2008, recent events constitute a fundamental breach of the basic principles of separation of powers and checks and balances in a democracy.

We refer in particular to President Ma Ying-jeou's (馬英九) use of the Special Investigation Division (SID) of the Supreme Prosecutors' Office, set up in 2007 to deal with major corruption cases involving government officials, against his political opponents, to his interference in the judicial system for political purposes and to his attempt to remove Legislative Speaker Wang Jin-pyng (王金平).

### **POLITICAL USE OF SID**

During the past years, the SID under Prosecutor-General Huang Shih-ming (黃世明), has increasingly become a tool of the ruling Chinese Nationalist Party (KMT) to rid itself of its political opponents. It now turns out that SID has made extensive use of wiretaps against its opponents.

The SID relentlessly pursued former president Chen Shui-bian (陳水扁), as well as prosecuted about four dozen members of the democratic opposition and former Democratic Progressive Party (DPP) government officials. Many of those were later declared not guilty by the courts. Only when the evidence could not be ignored, did the SID go after officials in the KMT, such as Cabinet secretary-general Lin Yi-shih (林益世) and Taipei Legislator Lai Su-ju (賴素珠).

### **JUDICIAL INTERFERENCE**

In the present crisis, Ma is accusing Wang of "influence peddling" saying that Wang allegedly

called then-justice minister Tseng Yung-fu (曾榮豐) and Chief Prosecutor Chen Shou-huang (陳秀煌) to urge them not to appeal a not-guilty verdict by the High Court against DPP caucus whip Ker Chien-ming (柯建銘).

If Ma considers this “influence peddling,” then he needs to look in the mirror. In November 2010, when a court declared Chen not guilty on one of the charges against him, Ma publicly criticized the verdict in the strongest of terms, saying that the justice system should avoid “detaching itself from the outside world” and “departing from public expectations.”

A couple of days later, on Nov. 9, 2010, Ma invited the chief justice and the prosecutor-general for dinner and again fulminated against the not-guilty verdict. Two days later, on Nov. 11, 2010, the Supreme Court abruptly came down with a final “guilty” verdict in another case against the former president. If this was not influence peddling, then what is?

## SEPARATION OF POWERS

Ma has attempted to use the “influence peddling” case against Wang to remove him from his position. The president then used his position as chairman of the KMT to have Wang’s membership in the party revoked. As Wang is an at-large member of the legislature, this would also mean that he would lose his position as speaker. Ma’s convoluted use of his two positions harks back to Taiwan’s dark days of Martial Law, in which the party, the state and the judiciary were synonymous.

If Wang had committed any minor transgressions, this could certainly have been dealt with by a disciplinary committee within the legislature. If he had committed a violation of any law, then a due process of law would have been appropriate, rather than an attempt to evict Wang from the KMT. Ma’s actions against the speaker certainly constitute a violation of the principle of checks and balances in a democracy.

## CONCLUSIONS AND RECOMMENDATIONS

First and foremost, it is up to the people and political system of Taiwan to resolve the crisis. In

## Human rights, democracy threatened

Written by David Schak et al.  
Monday, 14 October 2013 21:41

---

our, view as foreign observers who care deeply for Taiwan and its future, it is clear that actions along the following lines would be most helpful and appropriate:

□ Abolition of the SID and an end to the powers that were vested in this office. A return to normalcy in the prosecutorial branch is long overdue.

□ Judicial reform with the goal of removal of political influence in the judiciary, ensuring a complete

independence from both the executive and legislative branches of government, leading to a clear separation of powers.

□ Legislative reform so that the legislative process becomes a true give-and-take of political negotiations, where all political opinions are respected and where decisions are made on the basis of rational discussion rather than physical threats and confrontation.

**Clive M. Ansley**, Canadian human rights lawyer and member, board of directors, Lawyers Rights Watch Canada, Vancouver, Canada

**Coen Blaauw**, executive director, Formosan Association for Public Relations, Washington

**Jean-Pierre Cabestan**, professor and head, Department of government and international studies, Baptist University, Hong Kong

**Gordon Chang**, author, "Nuclear Showdown: North Korea Takes On the World and The Coming Collapse of China"

**Wen-yen Chen**, professor emeritus, University of the District of Columbia, and former

president, North America Taiwanese Professors' Association

**William Cox**, MD, Nome, Alaska

**Michael Danielsen**, chairman, Taiwan Corner, Copenhagen

**June Teufel Dreyer**, professor, Department of political science, University of Miami, Miami

**Stephen R. Halsey**, assistant professor, Department of history, University of Miami, Florida

**William T. Hipwell**, professor, Department of geography and environmental studies, Carleton University, Ottawa, Canada

**Michael Rand Hoare**, research associate, School of Oriental and African studies, University of London

**Thomas G. Hughes**, former chief of staff to the late senator Claiborne Pell, Washington.

**Bruce Jacobs**, professor, Department of Asian languages and studies, Monash University, Melbourne, Australia

**Richard Kagan**, professor emeritus, Department of history, Hamline University, St Paul Minnesota and author, "Taiwan's Statesman, Lee Teng-hui and Democracy in Asia" and "Mayor Chen Shui-bian: Taipei, Taiwan"

**Mark Kao**, president, Formosan Association for Public Affairs, Washington.

**Jerome Keating**, associate professor, National Taipei University (retired), and author, “Island in the Stream, a Quick Case Study of Taiwan’s Complex History” and “Taiwan, the Search for Identity”

**Hon David Kilgour**, former member of the Canadian Parliament and former secretary of state for Asia-Pacific (2002-2003), Ottawa, Canada

**Paul Kovenock**, US Department of state (retired), Arlington, Virginia

**Donald Rodgers**, associate professor, Department of political science, Austin College, Texas

**Christian Schafferer**, associate professor, Department of international trade, Overseas Chinese University, Taiwan, editor, “Journal of Contemporary Eastern Asia” president, Asian Political and International Studies Association

**David Schak**, adjunct associate professor of international business and Asian studies, Griffith University, Brisbane, Australia

**Rev Michael Stainton**, president, Taiwanese Human Rights Association of Canada, Toronto, Canada

**Ross Terrill**, Fairbank Center, Harvard University, Cambridge, Massachusetts, author, “The New Chinese Empire and Mao”

**Rev Milo Thornberry**, author, “Fireproof Moth, A Missionary in Taiwan’s White Terror”

## **Human rights, democracy threatened**

Written by David Schak et al.  
Monday, 14 October 2013 21:41

---

**John Tkacik**, US foreign service (retired) and president, China Business Intelligence, Alexandria, Virginia

**Arthur Waldron**, Lauder professor of international relations, Department of history, University of Pennsylvania, Philadelphia

**Hon Josef Weidenholzer**, Member of European Parliament, professor, Institute of societal and social policy, Johannes Kepler University of Linz, Austria

**Gerrit van der Wees**, editor, "Taiwan Communique", Washington

**Michael Yahuda**, professor emeritus, the London School of Economics, visiting scholar, George Washington University, Washington

Source: [Taipei Times - Editorials 2013/10/14](#)