

Chen's trial should be investigated

Written by Taipei Times Editorial
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With President Ma Ying-jeou's (馬英九) second and final term set to expire next month, whether he would pardon former president Chen Shui-bian (陳水扁) before he steps down on May 20 has become a topic of debate.

Following the motions by the Kaohsiung City Council last week and the Tainan City Council last month urging Ma to pardon his predecessor, Taipei City Councilor Chiang Chih-ming's (蔣志明) similar appeal yesterday requesting a presidential pardon for Chen also garnered the support of 26 Democratic Progressive Party (DPP) Taipei city councilors, who agreed that Ma, by doing so, can help bring about reconciliation between the pan-blue and pan-green camps.

However, the Presidential Office rejected the calls to pardon Chen, saying that several cases involving Chen have yet to be finalized. Former Chinese Nationalist Party (KMT) vice chairman Hau Lung-bin (郝龍斌) said that Chen must first plead guilty before president-elect Tsai Ing-wen (蔡英文) could consider granting him a special pardon.

Chen, on medical parole since Jan. 5 last year after serving six years of a 20-year sentence for graft convictions related to his presidency, said the charges against him are part of a political vendetta by the KMT government in retaliation for his eight years in power promoting Taiwanese independence.

After his second term ended in 2008, Chen was sentenced to life in prison in 2009 for money laundering and bribery — a term reduced to 20 years after appeals. Yet Chen's trial, as well as the investigation and prosecution of his cases, have been criticized as being dotted with procedural flaws.

Rather than dwelling on the subject of whether Chen should be granted a special pardon, to ensure fair treatment for Chen, it would be more fitting for the incoming government to set up a special committee to examine if there really were any procedural flaws, or even political interference, in the trial of the former president.

During Chen's corruption and money laundering trial, a panel of judges in December 2008 ordered that Judge Chou Chan-chun (周昌春) be replaced by Judge Tsai Shou-hsun (蔡守訓).

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The switch led to speculation that the decision was procedurally flawed and politically motivated, prompting then-president of the Yilan District Court Huang Jui-hua (黃久華) and then-Shilin District Court judge Hung Ying-hua (洪英華) to criticize the decision and the procedures as flawed.

Hung said at the time that because changing the judges was illegal, Tsai's guilty verdicts were invalid.

There were also media reports at the time alleging the Special Investigation Division prosecutors had "told" Chinatrust Charity Foundation chairman Jeffrey Koo Jr (辜仲諒) what to say in court and offered Koo, who was involved in a scandal over Chinatrust's bid to buy rival Mega Financial Holdings Co, immunity in exchange for his testimony in Chen's case.

If Tsai is sincere in her pledge that her administration would pursue fairness and justice, then all the questionable judicial proceedings dotting Chen's trials should be re-examined to grant Chen due justice. By reinvestigating these cases, Tsai could also realize her pledge of pursuing transitional justice by overhauling the nation's judicial system and bringing anyone who abused judicial authority and used the judiciary as a political tool to justice.

Granting Chen a presidential pardon would be tantamount to acknowledging that he is guilty of the charges against him.

As Chen and his supporters say that the charges against him were leveled due to a political vendetta by the KMT government, a new investigation should be conducted to determine if there was a miscarriage of justice during Ma's term and restore justice for Chen.

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