

## Court palms off A-bian's bid for medical parole

Written by Taipei Times

Saturday, 13 December 2014 08:20 - Last Updated Saturday, 13 December 2014 08:24

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Former president Chen Shui-bian is escorted by security staff following a medical procedure in a hospital in Greater Taichung on Dec. 13, last year. Minister of Justice Luo Ying-shay yesterday denied involvement or giving instructions on a judiciary hearing on Chen's medical parole request.

**Photo: Tsai Shu-yuan, Taipei Times**

The Taiwan High Court yesterday rejected former president Chen Shui-bian's (陳水扁) application for medical parole, saying his case should be taken up in the administrative court.

The High Court added that the decision could be appealed in the Supreme Court.

The judges said Chen's parole case relates to his treatment at prison facilities controlled by the Ministry of Justice's Agency of Corrections, so it comes under the jurisdiction of the administrative authority.

Therefore, the case should be taken up at the administrative court and be submitted as administrative litigation, the judges said.

Chen filed a motion of objection to the High Court on Thursday, penning the legal complaint himself, following a suggestion by Minister of Justice Luo Ying-shay (羅英暉) on Monday.

The High Court said that under Article 484 of the Criminal Code, a motion of objection can only

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lodged against the improper execution of duties by prosecutors. The case was not handled by prosecutors and therefore there was no grounds for a motion of objection, the court said.

On June 10, Chen applied for medical parole with the ministry, but the Agency of Corrections rejected his application, ruling that he did not meet the qualifications for medical parole.

The ruling was carried with the stipulation that the decision could be appealed through the courts.

Chen appealed by filing a motion of objection to the Taipei District Court on Nov. 11.

The District Court rejected the motion in a decision on Nov. 26, saying that the case was not within its jurisdiction.

In a press conference on Monday, Luo openly encouraged Chen to file another application for medical parole, saying it had been six months since his initial medical diagnosis for his current parole bid.

Luo said that for the second application, the Agency of Corrections should consider expanding the panel of experts for the review process to include medical professionals and doctors recommended by Chen's family.

The latest decision by the High Court again denied Chen's release from prison to serve the rest of his sentence under medical care at home.

Earlier yesterday, Luo said her suggestion was not an attempt to instruct the judiciary on how to handle Chen's parole case.

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"It is a very odd thing that the media are saying that I was giving instructions. The decision [by the Taipei District Court] was clear, where it said the case was in the wrong jurisdiction, and the decision can be appealed," she said.

Luo added that she does not know how long the medical parole review process will take, and that the panel has not set a position one way or another.

Source: [Taipei Times - 2014/12/13](#)