

## Ma acquitted by High Court in tape leak case

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Former president Ma Ying-jeou, center, yesterday leaves the Federation of Overseas Chinese Associations in Taipei after having delivered an address at the event.

**Photo: George Tsong, Taipei Times**

The Taiwan High Court yesterday upheld a lower court ruling acquitting former president Ma Ying-jeou (馬英九) of abetting a leak of classified information related to an investigation into an opposition lawmaker in 2013.

The High Court's ruling is final and cannot be appealed.

Presiding judge Chou Cheng-ta (周政堂) said that Democratic Progressive Party caucus whip Ker Chien-ming (柯建銘), who had accused Ma of leaking state secrets, failed to present sufficient evidence to prove Ma's guilt.

Ma's office spokeswoman Hsu Chiao-hsin (許昭欣) later told a news conference that Ma was grateful for the ruling.

When asked for comments, Ma only nodded and smiled to reporters.

Neither Ma nor Ker were present in the courtroom to hear the verdict.

The case dates back to September 2013, when it was revealed that then-state

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prosecutor-general Huang Shyh-ming (黃世銘) had shown Ma a transcript of wiretapped conversations that were part of evidence collected in an ongoing investigation of an alleged breach of trust by Ker.

In the taped conversations, then-legislative speaker Wang Jin-pyng (王金平) and Ker were heard talking about lobbying two senior Ministry of Justice officials, including the minister of justice, to prevent any appeal of the breach of trust case in which Ker had been acquitted.

Prosecutors said that Ma encouraged Huang to leak the contents of the recording, Ker's personal information and other information related to the ongoing investigation to then-premier Jiang Yi-huah (江宜樺) and then-Presidential Office deputy secretary-general Lo Chih-chiang (羅智強).

Chou said that the wiretapped conversation failed to present sufficient evidence to prove Ma had instigated Huang to leak the recording, and it was constitutional for Ma, as president, to express concern about the domestic political situation.

The verdict also cited President Tsai Ing-wen's (蔡英文) management of Cabinet appointments, saying Tsai personally asked Cabinet officials to remain at their posts after the Cabinet resigned *en masse* last month, suggesting that it is constitutional for a president to step in when Cabinet members are engulfed in a political scandal or involved in illegal activities.

Yesterday's ruling upheld the Taipei District Court's Aug. 25 ruling, which found Ma not guilty, saying there was insufficient evidence to prove he had instigated the leak and there was no indication of criminal intent on Ma's part.

The court also cited Article 44 of the Constitution, saying that as president, Ma had the power to intervene in disputes between different branches of government.

Hsu said the ruling shows that a former president would not have to be bothered by unreasonable accusations like the lawsuit brought by Ker.

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