

Pursuing Political Opponents Through Legal Actions

Ma's allegation on missing documents cause international concern

| Jauschieh Joseph Wu

Presidential Office's Allegation

On March 29, the Office of the President (OOP) accused seventeen former senior presidential office officials, including Chen Shui-bian, Annette Lu, all secretary-generals and deputy secretary-generals in the eight years of the Democratic Progressive Party (DPP) Administration, of not appropriately filing some 36,000 pieces of official papers and documents (gong wen). As the OOP was announcing its accusation, the case was sent the Control Yuan for impeachment and possibly to the prosecutor's office for further legal actions.

The move by the "shockingly angry" President Ma, in the words of the OOP spokesperson Lo Chi-chiang, occupied print media front lines and dominated political talk shows on television in the following few days. Moreover, Taiwan society was once again torn apart and forced to choose side without any knowledge about the allegation. The pan-blue commentators have ferociously condemned the alleged wrongdoings done by the former DPP officials as if the official documents were really stolen. But for those who find distaste of Ma for using judicial measures to pursue the opposition leaders, this is just another of his tricks.

Anyone who has any experience serving in the government will know that the accusation is entirely groundless. All gong wen are initiated or drafted by career civil servants, sent up to superiors for comments, correction and approval, and then sent back down for implementation. It is inconceivable that any gong wen can be stolen or hidden by senior officials, not to mention 36,000

pieces of them. The credibility of the accusation was immediately called into question by the public.

To substantiate the accusation, Lo explained that the missing gong wen were those went into the OOP through the mail room (wai shou fa). But since the mail room receives all kinds of mails such as regular letter, bank statements, even junk mails, Lo had to change his story once again by saying that the missing gong wen were copies classified cables (mi chao, secret duplicates, a term never heard of before) sent up from the Ministry of Foreign Affairs (MOFA). Meanwhile, Minister Timothy Young said that all copies of cables need to be returned to MOFA and it is a violation of its rules for not doing so. But this is a peculiar new rule, again, never heard of before.

Possible Development

Credible or not, the case will be reviewed the Control Yuan and possibly investigated by the prosecutor's office. On the Control Yuan, its current members were nominated by President Ma and confirmed by the Kuomintang (KMT) majority in the Legislative Yuan. This is to say that Control Yuan members are political appointments, and politically they are to serve President Ma's interest rather than serving as watchdogs against government corruption. Impeachment motion, as a result, is very likely to pass as requested by the OOP.

Meanwhile, prosecutor's office, under the Ministry of Justice, is likely to be influenced

by the executive branch, as exemplified by the judicial process of President Chen's case, which was noted in the 2010 State Department Human Rights Report on Taiwan. Further legal actions including summoning, investigation, searching and indictment may follow as part of a normal judicial process, and subsequent media coverage and some extreme and irresponsible languages will bring heavy damage to the reputation of those who are implicated. More importantly, it may be an action to determine the outcome of the 2012 presidential election because one of the key contenders is implicated in the case.

Taiwan Democracy Under Threat

After Ma took power in May 2008, his administration has used seemingly legal means to pursue former government officials. It is certainly unfair to see that the same set of laws and regulations is not applied equally to all political parties and politicians. In the use of discretion fund, President Chen himself and quite a few cabinet-level DPP officials were implicated and investigated, some indicted, while none of the former KMT officials went through the same process despite the fact that the fund was used exactly the same way. It is also unfair to look at political contribution to the DPP as "bribery" and contribution to the KMT as simple campaign donation, while it is the public knowledge that the KMT, including Ma himself, has taken more political contribution than its DPP counterpart.

The Ma Administration has also tried to change

the rule while the democratic game is being played. In 2009 before the county elections were to be held, Ma and his government suddenly decided that Taipei County, Tainan City and County, and Kaohsiung County should be upgraded to central-level municipalities, the same level as Taipei City and Kaohsiung City, and their elections were forced to postpone for one year. It prevented former Premier Su Tseng-chang, Ma's main opponent in 2012, from running and gaining ground on the one hand, and prevented a disastrous KMT electoral defeat on the other. In spring, 2011, the Ma Administration has decided to merge the presidential and the legislative elections, regardless of the constitutional issue that may arise from such action, to increase the prospect of Ma's victory. In the final phase of its accusation of missing official documents, the KMT government created a new rule to criminalize former officials. All these have violated the most fundamental rule of democracy: respect the rules of the game.

Ma's latest allegation that the DPP presidential officials have not filed official documents has an obvious political motivation. Su Tseng-chang, former chairman of the DPP, former Secretary-General to Chen Shui-bian, former premier and hopeful to represent the DPP in the 2012 race, is apparently the main target of Ma's attack. It is rather easy to understand the KMT's motivation: Su has an edge over Ma in most major public or private polls. But it is unjust and undemocratic to discredit or disqualify the main opponent before the election with such a baseless allegation; it should not have happened in any democracy at all. But President Ma has done it before to prevent

Su from running in the Taipei County election, and is now doing it again to try to prevent him from running in the 2012 presidential election. The KMT government's latest action against the opposition reminds people in and out of Taiwan how far Ma Ying-jeaou is willing to go to keep himself in power. But what he is doing, in essence, is to develop Taiwan back into to its authoritarian past.

International Concern

The KMT government's pursuit of the opposition leaders through seemingly legal but undemocratic measures has caused international concern. More than thirty notable opinion leaders from around the world, including former officials, scholars, and human rights watchers, issued a public letter dated April 8 to express their worry of the Ma Administration's action that was apparently not in line with the norms of democracy. In fact, this is only one of the efforts by internationally reputable individuals and organizations such as "Reporters Without Borders," "Freedom House," etc., to register their concern about the Ma Administration's violation of human rights, freedom of press, and democratic norms after it came to power in 2008. Democracy is what they all find precious in Taiwan. Many in Taiwan fought very hard to achieve what it is today and it should not be given away by any excuse or any means.

The response from the OOP to the April 8 open letter deserves further attention. It mobilizes its

international outreach to meet and discuss with those who signed on to the letter to understand why and how they get together to discuss the matter and who organized it as if it is trying to "break the crime ring" rather than presenting the credible evidence of wrongdoing. Moreover, the spokesperson of the presidential office held two rounds of press conferences on the matter. In the one held on April 11, Lo accused the international signatories of intervening in Taiwan's domestic affairs and not respecting Taiwan's rule of law. The quick act is a sharp contrast to Ma's nearly total silence in responding to nasty actions by China to squeeze Taiwan out of international participation. The argument of Lo is also shockingly similar to that of the Chinese government against international criticism of its treatment of dissidents.

With much help from democracy advocates around the world, people in Taiwan are now able to enjoy today. President George W. Bush congratulated Taiwan for its democratic election in March 2008 and said that Taiwan is a beacon to be emulated by other countries. But the development after Ma took power has been a steady erosion of democracy in this country. The international concern is certainly welcomed by the advocates of democracy here in Taiwan, for it is a value cherished by the modern civilization. Fellow democracies should not allow democracy in Taiwan to be rolled back. **BT**