

The Fall of a President

A black and white photograph of a person falling from a high, dark, craggy cliff. The person is in mid-air, upside down, with their arms and legs outstretched. The background is a bright, hazy sky with some birds visible in the distance.

Osman C.H. Tseng 曾慶祥

Chapter 1

Fall from Grace

Making History Twice

Chen Shui-bian made history twice in his remarkable political career. In March 2000, he successfully toppled the long-ruling Kuomintang (KMT) in a historic popular vote to become Taiwan's first president from an opposition party. That ended over a half-century of authoritarian KMT rule and ushered in a vibrant two-party political system in Taiwan, formally known as the Republic of China. His electoral victory at the head of the Democratic Progressive Party (DPP) earned him the adulation of many who had longed for a more open political system that truly reflected the will of the people. They saw Chen as a shining symbol of Taiwan's young democracy.

In November 2008, a few months after completing his eight years in office, Chen made history once again, albeit in a much less laudable fashion; he became Taiwan's first president arrested for suspected corruption. He was found guilty and sentenced to 17-and-a-half years in jail for taking bribes in a land procurement deal and as payment for an appointment to office. The sentence was later extended to 20 years -- the maximum prison time allowed in his case -- after he was found guilty on two more corruption charges, one involving the taking of bribes from a financial firm and another related to money laundering.

All four convictions also involved the president's wife, Wu Shu-chen. She was found guilty in a fifth and separate corruption case

linked to a scandal involving kickbacks on the construction of the Taipei Nangang Exhibition Center, a conference and exhibition complex designed to showcase Taiwan's status in the global economy. Instead, it put on display Taiwan's murky nexus between business and politics. Despite the additional offense, Mrs. Chen was given the same 20-year sentence as her husband due to the legal limits on sentencing. She was also spared the ignominy of serving time in jail because of poor health and serious physical disabilities. She was wheelchair-bound after being run over by a truck some two decades earlier.

Around the world, it is not unheard of to have a top government leader charged with corruption after leaving office. Sometimes it is a matter of the wheels of justice turning slowly toward a righteous conclusion long after the transfer of power. At other times, particularly in less mature and more malleable legal systems, it is a matter of an incumbent using the powers of office to strike at a former political opponent. In the case of Chen Shui-bian, both claims were made as to the nature of the charges against him. But in the pages that follow, it is hoped that the reader will see that a fair analysis makes clear this was hardly a case of political persecution, despite the charges leveled by Chen's supporters as well as some prominent, neutral observers. It was, however, truly head-spinning that the former president was found guilty of so many separate instances of graft. His humble origin and stellar career made this a stunning fall from grace. This was a man born into a tenant farming family in the rural township of Guantian in southern Taiwan. In this largely agricultural area, traditional values, such as honesty and integrity, have long been instilled in homes and

Chapter 1

Fall from Grace

schools. It was true in 1951 – the year Chen Shui-bian was born. It still holds today, even in this somewhat more cynical day and age.

Chen Shui-bian obtained a bachelor's degree in commercial law from the prestigious National Taiwan University in 1974. He passed the bar exam during his junior year and entered the legal profession shortly after graduation. All of this might have pointed to the acquisition of a healthy respect for the law.

In his early years in the legal profession, Chen became a partner in Taiwan's Formosa International Marine and Commercial Law firm. He earned a reputation as a conscientious and promising young lawyer, specializing in maritime insurance.

He soon won acclaim as a "human rights lawyer" for his courage in defending a group of political dissidents charged in what became known as the Kaohsiung Incident in 1979.¹ His clients were activists arrested for organizing a rally in the southern Taiwan city of Kaohsiung on December 10 of that year to commemorate World Human Rights Day. But the event, aimed at giving democracy a peaceful push forward, ultimately turned violent as clashes broke out between police and demonstrators. Taiwan was still under martial law at the time, and some of those arrested were charged with sedition by military prosecutors. Chen lost the case but burnished his reputation.

¹ The Kaohsiung Incident, also known as the Formosa Incident, occurred on December 10, 1979, in the southern Taiwan city of Kaohsiung, when a group of political activists held a rally to commemorate Human Rights Day and demand democratic reforms. The event, which turned violent, resulting in the prosecution and conviction of its organizers, was widely seen as a watershed in Taiwan's democratization. (Source: Wikipedia last modified on May 16, 2016).

According to Chen's account, the experience of defending the political activists implicated in the Kaohsiung incident spurred him to enter politics himself. He later recalled in conversations with friends that it was "during this period that he had come to realize the unfairness of the political system in Taiwan." In 1980, he joined the Tangwai movement, an informal grouping of opposition figures at a time when opposition parties were banned.² The following year, he ran and was elected to the Taipei City Council, a seat he held until 1985.

As democratization gathered pace in Taiwan, the Democratic Progressive Party was formed in 1986 despite the continuing ban on new political parties. Chen was among the founders of the party. The following year, Taiwan ended 38 years of martial law, and with that, the ban on new political parties was formally swept away.

In 1989, Chen was elected to the Legislative Yuan (parliament) as a lawmaker from the DPP and was reelected to another three-year term in 1992. In the lawmaking body, he concentrated his time and energy on attacking the KMT's culture of corruption, then referred to as "black gold" politics, in addition to targeting irregularities in the military.

During his four years from 1994 as mayor of Taipei, the rising political star of the DPP launched a series of high-profile "clean-up" campaigns, including efforts to drive illegal gambling and prostitution

² The Tangwai movement was a political initiative in Taiwan from the mid-1970s to the early 1980s. Tangwai referred to politicians "outside the party," i.e. the KMT. Because opposition parties were still forbidden, many opponents of the KMT, officially classified as independents, ran and were elected to central and local representative bodies as members "outside the party." (Source: Wikipedia).

Chapter 1

Fall from Grace

rackets out of the city. His policy of levying heavy fines on polluters also earned him widespread support.

While campaigning ahead of the March 2000 presidential election, Chen vowed that, if elected, he would lead a clean government. Due largely to the popularity of his anti-corruption appeal, he triumphed at the polls. When he took the presidential oath of office, he formally committed himself to carrying out political reform and eliminating corruption at all levels of government.

Four years later in 2004, when Chen sought a second term, he ran on this popular platform once again. His reform policy proved popular once more, gaining him another four years.

Given Chen Shui-bian's repeated pledges to fight corruption and his impressive record carrying out his promises as a legislator, mayor, and president, many of his supporters found it hard to believe the accusations when the first whiffs of the scandal emerged. But the details of his family's numerous financial dealings ultimately came to light in the final years of his second term, thanks to the efforts of whistleblowers, prosecutors, and a determined local media.

But it is often asked how someone with such strong moral convictions could change so drastically after reaching the pinnacle of power. And how could someone with such a deep respect for the rule of law be accused of so many offenses? This brings to mind an old proverb, most famously linked to British historian Lord Acton: "Power corrupts, and absolute power corrupts absolutely." The experience of Taiwan's ex-president Chen Shui-bian appears to be a classic example of how morality weakens as power increases, or how power corrupts.

Chen Shui-bian and his wife were first convicted in December 2010 by the Supreme Court on charges of taking kickbacks and bribes. The defendants were sentenced to 17 and a half years in jail. Chen began serving his prison term though his wife was spared a prison term on health considerations.

Yet the 2010 convictions proved to be only the first of a series of final court verdicts handed down to him on a variety of corruption charges. In the following two years, 2011 and 2012, the couple each received an additional two-year sentence for money laundering and another 10-year jail term for taking bribes given by a young executive, Diana Chen (no relationship to Chen Shui-bian). The executive offered the payment in exchange for the first couple's help in getting a top position managing Taiwan's landmark building -- Taipei 101.

By late 2012, the jail sentences that the former president had received on the various convictions added up to nearly 30 years. However, a provision in Taiwan's criminal law limited jail terms to 20 years, except for cases where a life sentence could be imposed. Chen was therefore sentenced to a maximum of 20 years. (Although the maximum jail term had been extended to 30 years at the time of sentencing, the lower limit was in effect when the crimes were committed. The 20-year ceiling, therefore, applied to Chen.)

Even though the sentences Chen received far exceeded the maximum 20-year prison term, the former president still had other court cases pending. This raised a curious legal question as to whether these cases could potentially result in additional punishments for the ex-president.

Chapter 1

Fall from Grace

But that hypothetical question was never asked. A year later in December 2013, the Taipei District Court granted an application filed by Chen's lawyers, asking on health grounds for permission to suspend their client's trial in two other cases -- one involving "charges of corruption" and one concerning "unauthorized retention of confidential government documents."

The district court cited a medical report--presented by the lawyers and verified by a group of court-commissioned medical experts--as saying that Chen was suffering from a string of ailments, making him unable to attend hearings. The court at the same time ordered that the trial suspension would remain effective until the defendant was able to attend hearings and answer questions.³ However, many critics questioned the credibility of the medical report, contending that the medical group consisted of members sympathetic to Chen.

Over more than two years until April 2016, Chen also successfully won court approval for the suspension of other court proceedings. One approval was given by the Taipei District Court and three by the Taiwan High Court. The four cases were about charges of embezzling "state affairs" funds, laundering money obtained from bribes, and perjury.⁴

3 Richard Chang, Taipei District Court Suspends Chen Shui-bian Trial Over Health Concerns, Taipei Times, December 21, 2013.

4 Lin Chih-han, Tsai Mong-yu, Chen Shui-bain Granted Application for Suspension of Trials on Health Reasons, United Daily News, April 22, 2016.

Developing Health Problems in Prison

Chen Shui-bian, while serving time in prison, developed health problems and his condition reportedly deteriorated rapidly. Chen's family and supporters blamed his rapid physical decline on poor treatment in prison. "From the start, Chen's defenders presented him as a victim of his political enemies. They raised questions about the fairness of his trial and criticized conditions in prison, where at first, he was held in a small cell without a bed and permitted only an hour of exercise per day."⁵

Such a defense strategy helped Chen win sympathy and support, particularly from world human rights organizations and some influential politicians in the United States. U.S. Human Rights Action Center founder Jack Healey, for example, condemned Taiwan's prison authorities for "neglecting Chen's right to medical treatment, causing the deterioration of his health conditions."⁶

In an open letter in 2012 to Chen's successor, President Ma Ying-jeou, Healey wrote: "Mr. Chen has served over four years since his conviction and has spent twenty-three hours per day in a cell shared with another prisoner that is only six feet by ten feet. He was permitted only an hour per day out of his cell. Mr. Chen's health is not good. His access to the hospital was finally allowed, and the medical care he received was helpful but unable to fully survey his medical needs... In

5 Austin Ramzy, Taiwan Debates Medical Parole for Ex-Leader, the New York Times, July 21, 2013.

6 News Release, Agency of Corrections of ROC Justice Ministry, December 27, 2012.

Chapter 1

Fall from Grace

the United States, we have prosecuted and convicted politicians from the most local to national offices, but we do not systematically deny those people access to health care due to political differences.”⁷

Healey thus appealed to President Ma to free Chen before “he dies in prison” and to work to heal political polarization.

During a visit to Taiwan in August 2012, Ramsey Clark, a former U.S. attorney general and a renowned human rights advocate, called for “an immediate release of former President Chen Shui-bian,” adding that the Taiwanese government would be viewed as Chen’s murderer if his health deteriorated further.”⁸ Speaking of his one-hour meeting with Chen in Taipei Prison, Clark said the former Taiwan leader was of clear mind and expression but was “obviously weak” and was kept in a condition that would further undermine his health.

On a May 2013 visit to Taiwan, Steven Chabot, chairman of the U.S. House of Representatives Subcommittee on Asian and Pacific Affairs, and his fellow congressional member Eni Faleomavaega met with Chen at Taichung Prison’s Pei De Hospital. During the meeting, they said Chen’s hands were shaking visibly and he stuttered when he spoke. “As Chen’s friends, we were worried about his situation,” Chabot said, adding that “U.S. representatives cannot tell Taiwan what to do, but we think there is a humanitarian way to resolve the situation, and we would like to see that happen.”⁹

7 Jack Healey, an Open Letter to Taiwan’s President Ma Ying-jeou, Huffington Post, updated September 19, 2012.

8 Chris Wang, Rich Chang, Clark Says Chen Facing ‘Murder’ by Parole Denial, Taipei Times, August 23, 2012.

9 Jake Chung, U.S. Politicians Concerned About A-bian, Taipei Times, May 3, 2013.

Chen Shui-bian's supporters in Taiwan continued to criticize his prison conditions and medical care, which they said had contributed to the former president's failing health. They kept up the pressure on the government of President Ma Ying-jeou to grant Chen medical parole.

The criticisms both at home and abroad put considerable pressure on the Ma government, forcing it to repeatedly clarify how Chen Shui-bian was treated during his incarceration. In a statement, the Ministry of Justice said: "We treated Chen Shui-bian as both a convict and a former president." The statement went further to explain why he could not be granted medical parole or pardoned, as requested by his supporters and sympathizers. But foreign and domestic pressure persisted, and the ministry felt obliged to regularly publish updates on Chen's life in prison and his health.

President Ma spoke repeatedly on the issue of Chen Shui-bian's incarceration. He used his meeting with visiting U.S. Senator Lisa Murkowski (R-AK) in January 2013 to state the case for keeping the former president in prison.¹⁰

During the meeting, the U.S. senator expressed serious concerns over Chen's treatment in prison and enquired about the possibility of granting him medical parole. In response, Ma pointed out that "Mr. Chen was convicted on multiple charges of corruption. He was not jailed as a political prisoner or a prisoner of conscience," as some of his supporters contended. Ma also told his visitor that "while Chen Shui-bian has been convicted and sentenced in four corruption cases,

10 Minutes of the Meeting between President Ma Ying-jeou and U.S. Senator Lisa Murkowski, Ministry of Justice of the Republic of China (Taiwan), January 17, 2013.

Chapter 1

Fall from Grace

he is still facing trials in three other cases and, additionally, is being investigated for another charge against him.”

Ma went on to say: “Out of deference to the former head of state and former chairman of the largest opposition party, however, the government has been providing Mr. Chen the most preferential treatment within the scope of the law during his incarceration.”

As for Murkowski’s question about medical parole, President Ma stated, “In Taiwan, medical parole is possible only when adequate medical treatment cannot be provided at the prisoner’s current prison, or a hospital under guarded escort, or at a prison hospital. At present, Mr. Chen is receiving comprehensive medical care at a hospital under escort.”

Ma was long known to be opposed to pardoning Chen. During Ma’s eight years in office (2008-2016), Chen’s supporters repeatedly called on the president to grant a pardon. High-profile appeals came from the DPP’s caucuses in the Taipei and Kaohsiung city councils on the eve of Ma’s departure from office. In their appeal, DPP councilors said: “Pardoning Chen by President Ma before his second term ends on May 20, 2016, would go a long way toward achieving reconciliation between Taiwan’s two major rival political forces, the pan-blue and pan-green camps.”

Why Ma Ying-jeou Refused to Pardon Chen Shui-bian

Ma responded swiftly. In a statement issued through his office, he said: “Presidential pardon is an issue that can be considered only after final court verdicts on all of the charges against Chen have been reached.

But the fact is that several other criminal cases implicating the former president are still going on.”¹¹

Earlier, when asked whether he would consider pardoning Chen Shui-bian during his time in office, Ma had cited one other reason why he was unwilling to grant a pardon: “Chen had never admitted to the various crimes he was convicted of, and he never expressed remorse.”

Comparatively speaking, the public discussion of the ex-president’s prison treatment and medical care was far more impassioned; so impassioned that it blinded both his supporters and critics to two hard facts: Chen’s critics failed to notice that during his years of prison life, the former president had developed health problems, some of which worsened rapidly.

Similarly, his supporters failed to recognize that Taipei Prison, in response to pressure from home and abroad, did make significant efforts to improve Chen’s jail conditions and arrange top-quality medical care based on the recommendations of medical experts.

During the more than four years of incarceration in Taipei Prison -- from December 2010 to January 2015 when he was granted medical parole -- Chen received treatment at four different hospitals -- Taoyuan General Hospital, Linkou Chang Gung Memorial Hospital, Taipei Veterans General Hospital, and Taichung Prison’s Pei-de Hospital. Such hospital visits and treatments did not include Chen’s numerous in-prison doctor visits.¹²

11 Stacy Hsu, *Renewed Call to Pardon Chen Shui-bian Rejected*, Taipei Times, April 9, 2016.

12 *Report on the Human Rights in Prison of Former President Chen Shui-bian*, Ministry of Justice Agency of Corrections, November 16, 2012.

Chapter 1

Fall from Grace

According to an October 2012 special report prepared by the Ministry of Justice for delivery before the judicial committee of the Legislative Yuan, the former president had since his admission to Taipei Prison repeatedly complained of acute headaches, chest tightness, chest pains, fatigue, irregular bowel movement and shortness of breath.¹³ Whenever it learned of Chen's complaints, Taipei Prison would quickly arrange for him to be examined and treated in prison by physicians invited from the nearby Taoyuan General Hospital or by prison-retained doctors. After such treatments, Chen's condition stabilized.

The same report said that in late February 2012, Chen, for the first time, filed an application with prison authorities for out-of-prison medical treatment. Following initial in-prison examinations, Chen was soon escorted to Taoyuan General Hospital, one of the hospitals contracted to provide medical services, for further medical examination.

Chen underwent the following tests: prostate gland sonography, liver sonography, echocardiography, electrocardiogram, colonoscopy, gastroscopy, cardiac nuclear medicine test, and blood and urine tests. Preliminary results of these examinations found Chen showing cardiovascular stenosis and a lump in his urinary system; no other symptoms were noted.

A cardiac catheterization examination performed on him, however, verified that Chen's left cardiovascular stenosis was a congenital

13 Special Report on Medical Treatment of Former President Chen Shui-bian, Ministry of Justice, October 4, 2012.

condition. Thus, balloon angioplasty or installation of a vascular stent was not essential since his condition could be treated through medication. Still, he continued to complain of shortness of breath, leading his attending physician to recommend hospital confinement for observation. But a new round of examinations at the same hospital, including a bronchoscopy and a cerebral CT scan, found everything normal.

However, according to the Justice Ministry report, a urology examination in April of that same year showed a new development: a suspected lump mass. To find out more about the condition, physicians came to the prison to explain to Chen that a biopsy was necessary, but he had some misgivings about the diagnosis of Taoyuan General Hospital and was unwilling to accept the proposal.

To dispel Chen's doubts, Taipei Prison called Chang Gung Memorial Hospital--another hospital contracted to provide medical services to prisoners -- to arrange diagnostic procedures and treatment for him. Upon conclusion of a new series of examinations at Chang Gung, the hospital's deputy administrator and 14 physicians in charge of the various medical tests for him personally read the results to Chen, his son Chen Chih-Chung, and his friends Ko Wen-je and Kuo Chang-feng. Both of these friends are physicians.

In a series of physical examinations conducted at the same Taoyuan General Hospital in September of that year, however, Chen was found to show some explicit health problems. He seemed to be suffering from bladder dysfunction while displaying speech problems and complaining of headaches and related discomfort. More seriously,

Chapter 1

Fall from Grace

a lesion measuring 0.4 cm was noted on the right lobe of his brain that was suspected to be an old cerebral ischemia condition.

Given these findings, Taoyuan General Hospital concluded that Chen Shui-bian needed to undergo further neurological and psychiatric examinations. However, the hospital did not have the equipment needed to perform those examinations. Taoyuan General Hospital recommended to Taipei Prison in September 2012 that Chen be transferred to a well-equipped medical center for further tests.

After careful study and consultations with medical experts, Taipei Prison decided to transfer the former president to Taipei Veterans General Hospital (TVGH) for further examination and treatment. According to the same special report of the Justice Ministry, the choice of the TVGH was based on the following considerations: the TVGH has a complete range of the required medical equipment and greater professional expertise. The hospital also specializes in the treatment of neurological disorders, such as stroke, Parkinson's disease, migraine, Alzheimer's disease, and hereditary degenerative disorders.

Taipei Prison in the report also cited the lack of hospital space as an important factor in deciding to transfer Chen to the TVGH. A sizable police force was needed to ensure the security of the ex-president during his escorted hospital treatment and confinement. This meant that a hospital selected to treat Chen needed sufficient space. The TVGH met that criterion, too.

According to a news release issued by the TVGH, Chen Shui-bian became feverish after his admission to the hospital and was diagnosed

with a urinary tract infection.¹⁴ Medication was prescribed to treat that illness, and soon after, he was transferred to a special ward of the TVGH for treatment of “severe depression.” To provide the best possible treatment for Chen openly and transparently, the TVGH invited 10 outside psychiatry specialists, as well as its professional personnel, to form a joint team to examine Chen’s condition and devise a treatment plan for him.

TVGH Releases Details of Chen’s Medical Condition

Chen was hospitalized at the TVGH for seven months until April 2013, when he was released and transferred to Taichung Prison’s Pei-de Hospital. Months before the transfer, the TVGH had drafted a report on the discharge of the former president with a detailed description of his medical situation. The report was delivered to the Ministry of Justice’s Agency of Corrections, which is responsible for prison matters, on December 19, 2012.¹⁵ The findings of the report were summarized by the Ministry of Justice as follows:¹⁶

“...Psychiatry Diagnosis: Severe depression and severe sleep apnea. After treatment, his symptoms are slowly improving.

14 News Release on the Status of Mr. Chen Shui-bian’s Health, Taipei Veterans General Hospital, October 2, 2012.

15 An Update on the Status of Mr. Chen Shui-bian’s Health, the Agency of Corrections, Ministry of Justice, December 25, 2012.

16 News Release: Transfer of Mr. Chen Shui-bian from the TVGH to Taichung Prison’s Pei-de Hospital, the Ministry of Justice, April 19, 2013.

Chapter 1

Fall from Grace

“...Neurology Diagnosis: Stuttering speech disorder, non-typical Parkinson’s disease, and mild brain atrophy. After treatment, his stuttering speech disorder has not worsened, and the noticeable tremor of his (right) hand appears to have stabilized and improved, and ought to be tracked over the long term.

“...Other major physiological symptoms. Difficulty urinating: His urinary tract infection has been cured, and his enlarged prostate is being treated with drugs. Bleeding hemorrhoids: Surgery has been performed and he has made an excellent recovery. Nasal septal deviation and nasal passage blockage: Surgery has been performed and the nasal passage blockage has been completely alleviated. His sleep apnea symptoms have also improved.”

The TVGH discharge report further pointed out that while “preliminary improvement of Chen’s conditions has been achieved, he continues to manifest residual symptoms of severe depression, poor sleep quality, and general fatigue.” The TVGH recommended “continued administration of medicine, occupational rehabilitation therapy, and an appropriate settlement” for the former president after his release from the Taipei Veterans General Hospital.

The report went on to say, “Since depression is an illness that relapse could easily occur due to uncongenial emotional and social factors and that he is still harboring the idea of death, it would not be suitable to immediately send Chen back to Taipei Prison following his TVGH release. This would be so even though prison authorities had enlarged his prison cell space and prison treatment.”

The TVGH also said that, after Chen’s release, an improvement of his surroundings, support from family members, and the selection

of an appropriate location for convalescence were extremely important in improving Chen's health and reducing the risk of recurrence. Therefore, the TVGH recommended three options: home convalescence, a general hospital with a psychiatric ward, or a psychiatric hospital.

However, this was a big challenge for the Justice Ministry as it had to strike a balance between respecting medical expert recommendations and observing the law.¹⁷ Due to this balancing consideration, the ministry ruled out the possibility of granting Chen either "home convalescence" or "medical parole."

Under the Prison Act, a ministry official explained, "The executing of a sentence or detention shall take place within a prison except where the law provides otherwise." This meant that there was no legal basis for "using an inmate's private residence as the locale to serve his or her prison sentence," he added.

More fundamentally, the official pointed out, "Chen's symptoms do not warrant medical treatment on bond or medical parole." If the former president were to be granted medical parole, it would violate the principle of "penal equality." The official noted that as of March 2013, there were 445 inmates in Taiwan's prison system suffering from depression.

"Chen's illness could be treated at a hospital facility under guarded escort," the ministry official said. He invoked an alternative suggestion contained in the TVGH discharge report that

17 News Release: Home Convalescence Does Not Accord with the Law, the Ministry of Justice, April 19, 2013.

Chapter 1

Fall from Grace

“hospitalization in a psychiatric ward would also be appropriate for Chen.”

After weighing up Chen’s continued medical treatment and care needs as well as existing legal constraints, the Justice Ministry finally decided to transfer Chen, upon his release from the Taipei Veterans General Hospital to the Medical Treatment Special Quarter of Taichung Prison’s Pei-de Hospital in central Taiwan. According to the ministry, the Pei-de Hospital was the most appropriate facility for Mr. Chen to continue receiving medical treatment and care while serving his sentence.

The ministry listed the following reasons for its decision: First, Pei-de Hospital, backed by the prestigious China Medical University Hospital, operates 20 different specialized clinics, including psychiatry, neurology, otolaryngology, orthopedics, surgery, and urology, among other things. In a word, that facility was capable of providing the in-prison medical services that Chen needed. The ministry pointed out that the Pei-de Hospital was originally established as an institution for psychiatric treatment; it is not just part of a prison.

Moreover, Pei-de Hospital has physicians and nurses on duty 24 hours a day. It also hired special registered nurses’ aides to provide the former president with home-like care around the clock. To create a warm and homey atmosphere and reduce the stress of imprisonment, the ministry said, “Pei-de Hospital had rebuilt its medical treatment quarter into a garden-like care facility before Chen was moved in. The (treatment) quarter features a spacious setting with green spaces, flower gardens, and an arched gate. It is enclosed by low walls, secluded and quiet. Chen’s prison cell measuring 9.2 pings (30.4 square

meters) was outfitted with a single-person bed, desk, chair, bookcase, and a storage cabinet, as well as a private bathroom.”

In line with the TVGH special medical team’s recommendation to place Chen in an environment where he would have family support and accompaniment so his recovery would be speedier, Taichung Prison adopted a flexible policy regarding Chen’s requests to receive friends and relatives. And the frequency of visits by his family members was not limited.

“This kind of prison treatment is unavailable to other convicts and is unprecedented in our nation’s prison history,” said the Ministry of Justice in the news release. During a press conference, President Ma Ying-jeou went out of his way to comment on his predecessor’s new confinement environment. Ma said, “Chen’s confinement in Taichung Prison’s Pei-de Hospital, as it looks now, could hardly be taken as prison life.”¹⁸

But less than one and a half months into his new environment of “garden-style” prison, Chen made news again, this time by attempting to commit suicide in his bathroom on June 3, 2013. “But he was treated quickly and did not appear to have any significant condition,” the Justice Ministry said in a statement.

After an investigation, the ministry concluded that Chen tried to kill himself because he was distraught after authorities, instead of allowing him to return home for convalescence, as recommended by

18 Shann Hou-chih, Chen’s New Confinement Environment Can No Longer Be Called Prison Life, United Daily News, April 20, 2013.

Chapter 1

Fall from Grace

his medical team, transferred him to Taichung Prison from Taipei Veterans General Hospital.¹⁹

According to Vice Minister of Justice Chen Ming-tang, the former president also mentioned to prison workers his distress over difficulties in rejoining the DPP, the party that he helped found. As noted earlier, Chen Shui-bian resigned from the DPP in 2008 to take responsibility for the party's defeat in both the legislative and presidential elections that year. Chen was also said to have complained of "judicial injustice." He told prison personnel that he was disappointed that a new revision of the Accounting Act made to deregulate the use of the "special public funds" failed to include the item of "state affairs funds." One of the many charges against Chen involved the misuse of such funds. "It is unfair (to) me to have been prosecuted for using 'state affairs funds' to support diplomatic programs, while others now can even spend 'special public funds' on buying drinks in hostess bars, free from judicial prosecution."

Chen's complaints prompted an immediate response from the Ministry of Justice. "Former President Chen is serving a 20-year sentence for taking bribes and money laundering in four separate cases. None of these cases have anything to do with the one of him being charged with abusing 'secret state affairs funds,' which is still under deliberation at the Taiwan High Court, following appeals."

Moreover, the "secret state affairs funds" and "special public funds" are not the same, said Vice Minister Chen Ming-tang. "So the

19 Rich Chang, Chris Wang, Chen Shui-bian Stable After Suicide Attempt, Taipei Times, June 4, 2013.

recent law revision to decriminalize ‘special public funds’ was irrelevant to his case, posing no question of doing him an injustice, as he alleged.” Special public funds refer to allowances of certain officials while the state affairs funds apply to funds used by the office of the president, including for confidential diplomatic purposes.

Chen’s attempted suicide polarized public opinion. Chang Chung-hsiung, who was twice appointed premier by the former president, said the ex-president’s attempt to hang himself from a shower fixture “only proved his medical team to be right in recommending that he be granted medical parole.”²⁰

But his critics did not see it that way. Antonio Chiang, a political columnist who served as a national security official under the Chen administration, for example, argued that the public was tired of the former president’s complaints. “Now Chen’s news is in the newspapers every day -- some (people) are sympathetic, but more are simply annoyed, as they feel a disgraced politician and convicted criminal ought not to make such nonstop political moves,” he told the New York Times. “They feel that Chen is like a political ghost who refuses to die.”²¹

20 Chen Jie-liang, Hung Rong-chih, Mrs. Chen Shui-bian Comments on Her Husband’s Suicide Attempt, the China Times, June 5, 2013.

21 Ex-President of Taiwan Attempts Suicide in Prison, The New York Times, June 3, 2013.