



臺灣臺北地方法院檢察署新聞稿

Taipei District Prosecutors Office Press Release

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Clarification on Commentators' critics regarding

President Ma's case on March 14, 2017:

Our Office indicted former President Ma YinJeou for leaking national confidential information. Some commentators then criticized that, “If the President would be indicted for discussing devastated illegal lobbying on judicial case with the Premier and President’s advisor, every single president in Taiwan would be undoubtedly under the high risk of being charged with leaking national confidential information. Under the rational, the President can only make his decision on his own without any further consultation with anyone else. How would the President lead a country without arbitrary?”

The Investigation team of our office had carefully considered on the aforementioned issues in the investigation process and

would articulate in the following: (1) The President certainly enjoys the rights to consult with his advisors, especially for incidences that would possibly shake the country to its core. As a matter of fact, President Ma's indictment has never attempted to forbid the President from consulting with his advisors. However, the President, while exercising his constitutional power, should not interfere with any case under investigation (Please see the concurring opinion from the Grand Justice Su YongChin of number 729 explanation). (2) Even when dealing with the political responsibilities of the Cabinet, the President should exercise his power under the principle of legitimacy and properness. For example, the President can discuss with his advisors without revealing information of investigation and source, and the content of transcripts of surveillance; or can make decision after the end of investigation. In so doing, the President could exercise his power to uphold the principles of "separation of powers" and "checks and balances" under the Constitution, to protect the independence of Prosecutors' Office, and to prevent improper interference from the other branches of

the Government.

Please find the detailed articulation in page 55, 58 and 60 of the indictment.