

Notification of Rights and Interests of the Criminal Victims and Complainants

in the Litigation

After the accused is prosecuted by the prosecutor, the prosecutor will bear the burden of proof to certify the crime of the accused, and the court will, in a position of impartiality, objectivity and neutrality, try the accused in accordance with the procedure specified in the Code of Criminal Procedure (hereinafter referred to as the “Code”). If you are a victim of a crime, in the proceeding of the court, you can exercise the following rights and are protected as follows:

1. The court will protect your privacy.

In principle, criminal proceedings will be held in open court. The court will try its best to protect your privacy and prevent the accused or any attendee from learning your personal data and privacy matters, such as date of birth, domicile/residence, ID. Card number, etc. Please feel at ease. (In reference to Paragraph 1 of Article 271-2 of the Code).

2. If you have hearing or speech impairment, or have difficulties in understanding the language used, or have other mental or physical disabilities, you can request the court for providing assistance.

If you have hearing or speech impairment, or have difficulties in understanding the language used, or have other physical or mental disabilities, you can contact the court in advance before the court session, and the court will arrange an interpreter to translate for you or provide necessary assistance.

3. You can have a person you trust to accompany you to the court session.

You can ask your statutory agent, spouse, lineal blood relative, or collateral blood

relative within the third degree of kinship, family head, family member, physician, psychologist, counsellor, social worker or other person you trust to accompany you to the court session. (In reference to Article 271-3 of the Code).

4. You can request the prosecutor to apply to the court for perpetuation of evidence.

After the case is prosecuted in the court of first instance, the prosecutor may, before the first trial date, apply to the court for perpetuation of evidence if deemed necessary. (In reference to Paragraph 2 of Article 219-4 of the Code).

If you want to perpetuate the evidence related to this case, you can request the prosecutor in writing to apply to the court to perpetuate the evidence, to ensure that the evidence will not be lost or unusable.

5. During the bargaining procedure, you can express your opinion on the content of bargaining to the prosecutor.

During a court hearing, if the prosecutor and the accused want to take the procedure of sentence bargaining, the prosecutor will consult your opinion, and then you can

express your opinion on the contents of sentence bargaining to the prosecutor. (In reference to Paragraph 1 of Article 455-2 of the Code).

6. You can apply to the court for using isolation equipment to separate you from the accused or other attendee.

When you go to the court for a hearing, if you feel fear or anger and it is difficult for you to maintain emotional stability while facing the accused or other attendee, you can tell the court about your concerns. The court, after taking into account the circumstances of the case and your physical and mental conditions, and after taking into account the opinions expressed by the parties and the defense attorney, will decide whether or not to apply appropriate isolation equipment (such as screens or video equipment), to appropriately separate you from the accused or other attendees.

7. You can request the prosecutor to apply to the court for investigation of evidence.

If you wish the court to investigate any evidence related to the case, you can request the public prosecutor to apply to the court for investigation and let the court to find out the truth. (In reference to Paragraph 4 of Article 163 of the Code).

8. You can apply for referring the case to mediation.

If you intend to undergo mediation with the accused, you can, during the trial of the case, express your intent to the court. The court, after taking into account the intents of yours and the accused, and the circumstance of the proceeding of the case,

will decide whether or not to refer the case to mediation. (In reference to Article 271-4 of the Code).

9. You can apply for referring the case to restorative justice procedure.

In the process of restorative justice, persons affected by crime, i.e. perpetrators, victims, family members, or even community members or representatives, can have candid dialogues and communications with each other, so that perpetrators can recognize the impact of his criminal act and assume the liability for his act, and that the emotional injury of the victim can be restored and his actual damage can be identified. You can decide at your disposal whether or not to apply to the court for referring the case to restoration, and the court will respect your willingness. If both of you and the accused are willing to submit the application, the court, after hearing opinions of the parties to the litigation, will refer the case to an appropriate organization, institution or association for restorative procedure undergone by the professional restoration facilitator. (In reference to Article 271-4 of the Code).

10. You can state in person your opinion to the court (including opinion on sentencing range).

You or your family members can appear in person or in writing to state your opinion to the court. However, if you express that you are not willing to be present, the court will respect your willingness. (In reference to Paragraph 2 of Article 271 of the Code).

You or your family members can express

an opinion to the court on the sentencing range. (In reference to Paragraph 2 of Article 289 of the Code).

11. You can also state your opinion to the court through the prosecutor.

During the court hearing, if you have any opinion, you can express it to the public prosecutor, and the prosecutor will make a statement to the court so that the court can understand it more clearly.

12. You can bring an ancillary civil action during the trial period in the courts of the first instance and second instance.

Before the conclusion of the criminal case arguments in the first or second instance, you can bring an ancillary civil action against the accused and the person who should be liable for compensation under civil law, requesting recovery of damages. (In reference to Article 487 of the Code).

13. If you act as a witness, you can apply for relevant fees.

If the court calls you to testify in court as a witness, in principle, the daily fee and travel expenses will be paid on the day the examination is completed. If you do not receive it on the same day, you can apply to the court within 10 days after the examination is completed; if you have financial difficulties, you can also request the court to prepay travel expenses as appropriate in writing before the court session. (In reference to Article 194 of the Code).

14. After a judgment is rendered by the court, you can request the prosecutor to file an appeal against the

judgment.

After a judgment is rendered by the court, if you disagree with the judgement, you can, within the prosecutor's appeal period, state the reasons and request the prosecutor to file an appeal. (In reference with Paragraph 3 of Article 344 of the Code).

15. You can also use the service of “Platform for victim’s access to information of criminal proceedings”.

While the case is tried in the court, you can apply to the court for access to case information. If the court approves your application, the court will provide real-time case information via email; you can also access to information online. If you want to file an application, the following URL and the QR Code on the right have examples of application pleading and matters needing attention for your reference : <https://reurl.cc/6a1Nay>



16. If you file a complaint, you as the complainant have the following rights.

You can retain an attorney as your agent ad litem to inspect case archive at the court.

During the trial of the court, you can retain an attorney to act as your agent ad litem, who will go to the court to inspect the case archive and evidence, and transcribe or copy data in the archive, to facilitate your understanding of the progress of the case. (In reference to Paragraph 2 of Article 271-1 of the Code).

You can retain an agent to state opinion at court.

During the trial of court, you can also retain an agent ad litem, who will state the opinion at the court. (In reference to Paragraph 1 of Article 271-1 of the Code).

You can state your opinion to the prosecutor on the judgment of the court.

After a judgment is rendered by the court, if you have any opinion on the judgment, you can, within the prosecutor's appeal period, express your opinion to the prosecutor, allowing the prosecutor to understand what you think about the judgment. (In reference to Paragraph 2 of Article 314 of the Code).

Want to understand more information on victims' general protections and rights to participation in the litigation? Please click the following URL of Judicial Yuan or scan the right QR Code:

<https://reurl.cc/a9ogW4>

