Notification of Rights and Interests of the Criminal Victims in Participation in the Litigation

1. What kinds of cases are available for participation in the litigation?

After the prosecutor has prosecuted the accused, you will receive an indictment, which will state the offense the accused might has committed. If you are a victim under any of the following cases, you may apply to the court for participation in the litigation:

(1) The offense resulting in death or serious physical injury due to intentionally or negligently criminal act.

(2) The offenses under Article 231, Article 231-1, Article 232, Article 233, Article 240, Article 241, Article 242, Article 243, Paragraphs 1 and 2 of Article 271, Article 272, Article 273, Paragraphs 1 to 3 of Article 275, Paragraphs 1 and 3 of Article 278, Article 280, Paragraphs 1 and 2 of Article 286, Article 291, Article 296, Article 296-1, Article 297, Article 298, Article 299, Article 300, Paragraphs 1, 2 and 4 of Article 328, Article 329, Article 330, Paragraph 1 and Subparagraphs 1, 3 and 4 of Paragraph 2 of Article 332, Paragraphs 1 and 2 of Article 333, Paragraph 1 and Subparagraphs 1, 3 and 4 of Paragraph 2 of Article 334, Paragraphs 1 and 3 of Article 347, Paragraph 1 and Subparagraph 2 of Paragraph 2 of Article 348.

(3) The offense under Paragraph 1 of Article 2 of the Sexual Assault Crime Prevention Act.

(4) The offenses under Articles 31 to 34 and Article 36 of the Human Trafficking Prevention Act.

(5) The offenses under Articles 32 to 35, Paragraphs 1 to 5 of Article 36, and Paragraph 1 of Article 37 of the Child and Youth Sexual Exploitation Prevention Act.

2. Who can apply for participation in the litigation?

If you are a victim, you may file the application. If the victim is without, or of limited legal capacity, is dead, or cannot file the application for other reluctant cause (e.g., the victim is under treatment in a hospital), the statutory agent, spouse, lineal blood relative, collateral blood relative within the third degree of relationship, relative by marriage within the second degree of relationship, family head or family member of the victim may apply for participation in the litigation.

3. What you can do after the participation in the litigation is approved by a ruling of the court?

(1) You can retain an agent from time to time. If you are unable to make a complete statement due to psychological or mental illness, are an aborigine, or your income level is low or middle-to-low, you can provide relevant certificates, requesting the court to appoint an attorney as your agent.

(2) If you have an attorney as your agent, you can request your attorney to examine the case archive and exhibits, and make transcripts, copies or photographs thereof. If you do not have an attorney, you can prepay the fees, and then request for the delivery of copies of the case archive and exhibits.

(3) For preliminary proceeding and trial date, the court will notify you of the time and place of the court session. If you wish, you can appear at the court session.

(4) In the preliminary proceeding, you can express to the court your viewpoints and opinions as to the scope of trial by the court, the applicable law provisions, compilation of issues, admissibility of evidence, application for investigation of evidence and scope, sequence and method of investigation, and other matters relating to the trial.

(5) After the court has completed the investigation of evidence, the judge will ask your opinion on the evidence, and will provide you with an opportunity to argue the probative value of evidence.

(6) You can also tell the judge you think what severity of the punishment imposed on the accused would be proper (e.g., imprisonment for how many years and months), for the judge's reference in rending judgment.

After you have read the above introduction, if you intend to participate in the litigation, please go to the following website or scan the following QR Code to download the application pleading, and send the pleading to the court after you have completed the pleading:
https://www.judicial.gov.tw/tw/lp-1370-1.html