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

After the accused is indicted by the prosecutor, the prosecutor bears the burden of proof to establish the accused's guilt. The court, based on impartiality, objectivity, and neutrality, will 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 crime, during the court proceedings, 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 do its best to protect your privacy and prevent the accused or any attendees from accessing your personal information, such as date of birth, domicile/residence, or ID card number. Please feel at ease. (In reference to Paragraph 1 of Article 271-2 of the Code).

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

Suppose you have a hearing or speech impairment, difficulties in understanding the language used in the court, or other physical or mental disabilities. In that case, you can contact the court before the court session, and the court will appoint an interpreter for you or provide other necessary assistance.

3. You can have someone you trust 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 the perpetuation of evidence.

After the pressing charges 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 rendered unusable.

5. During the bargaining procedure, you can express your opinion on the content of the bargain 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 with you. Then you can express your opinion to the prosecutor on the contents of sentence bargaining. (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 attendees.

When you attend a court hearing, if you feel fear or angry and it is difficult for you to maintain emotional stability while facing the accused or other attendees, you can inform the court about your concerns. The court, after taking into account the circumstances of the case, your physical and mental conditions, and 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 separate you from the accused or other attendees appropriately.

7. You can request the prosecutor to apply to the court for the 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 an investigation and let the court find out the truth. (In reference to Paragraph 4 of Article 163 of the Code).

8. You can apply to refer the case to mediation.

If you intend to undergo mediation with the accused, you can, during the trial, express your intent to the court. After considering the intentions of both you and the accused, along with the circumstances of the case, the court will decide whether or not to refer the case to mediation. (In reference to Article 271-4 of the Code).

9. You can apply to refer the case to a 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 liability for his act; Also, victims can restore both their emotional traumas and actual damages. 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. Suppose both you and the accused are willing to participate in. In that case, the court, after hearing the opinions from all parties, will refer the case to an appropriate organization, institution, or association for a restorative procedure to be undergone by a professional restoration facilitator. (In reference to Article 271-4 of the Code).

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

You or your family members can appear in person or submit a written statement to express your opinion to the court. However, if you address that you do not want to be present, the court will respect your decision. (In reference to Paragraph 2 of Article 271 of the Code).

You or your family members can express your opinion on the sentencing range to the court. (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 for a better understanding of your opinion.

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

Before the closure of oral arguments of the criminal case 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. For civil cases transferred to the civil division of the court by a ruling of a collegial panel, court fees are generally waived, except in cases where a not-guilty verdict, dismissal, or non-acceptance is rendered in the criminal proceedings. (In reference to Article 487, 503~505 of the Code).

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

If the court summons you to testify as a witness, generally, they will pay you the daily fee and travel expenses on the day the examination is completed. If you do not receive payment on the same day, you can apply to the court within 10 days after the examination; if you have financial difficulties, you may also request in writing before the court session that the court prepay your travel expenses. (In reference to Article 194 of the Code).

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

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

15. You can also use the service of "Platform for victims' access to information of criminal proceedings".

While the case is being tried in 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 the 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. You are eligible to apply for Criminal Victim Compensation.

If you are a surviving family member of a person who died as a result of a criminal act, a victim who has suffered serious injury, or a victim of sexual autonomy violations (including sexual exploitation of children and adolescents), you may apply for criminal victim compensation in accordance with the law. For application requirements and necessary documents, please visit the Ministry of Justice website or contact any District Prosecutors Office or the Association for Victims Support (0800-005-850).

17. 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 the case archive at the court.

During the trial, 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, helping you understand the progress of the case. (In reference to Paragraph 2 of Article 271-1 of the Code).

You can retain an agent to state an opinion in court.

During the trial, you can also retain an agent ad litem, who will state an opinion in 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 the court renders a judgment, 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

