迴避規定及說明
Regulations and Descriptions for Disqualification

為了維護法院審理案件的公正，中華民國相關法規設有法院人員應「迴避」的規定，包括：(一)自行迴避，也就是說法官等人員，如果與案件的當事人或案件有特定關係，就應自行迴避，不得執行職務；(二)當事人聲請迴避，也就是當事人知悉、發現法官等人員有應自行迴避而未迴避之情形，或有其他明顯事證，足以認為他們有偏頗的可能，可用書面敘明理由後向法院聲請迴避。

To ensure fair trials, the conditions for "disqualification" are stipulated in laws and regulations for court personnel, including: (1) voluntarily disqualification, which refers to the condition in which a judge or other personnel shall voluntarily disqualify himself/herself from the execution of his/her duties if a specific relationship with the involved parties or the case is present; (2) an involved party's filing of a "disqualification motion", which refers to the condition of disqualifying a judge or other personnel with a written statement when an involved party learns or discovers that such an above-mentioned personnel who should voluntarily disqualify himself/herself but does not or when there is obvious evidence supporting the possibility of partiality.

此外，如果通譯人員就傳譯案件有法定應自行迴避事由，也不得執行職務；且通譯就傳譯案件如有利益衝突或其他影響其忠實、中立執行職務之情形，應主動告知法院。

In addition, a court interpreter may not perform his/her assigned interpreting duty if he/she learns about any existing condition pursuant to the laws of voluntary disqualification. Moreover, a court interpreter shall take the initiative to report to the court if there is a conflict of interest or condition that may potentially affect the faithfulness or neutrality of an interpreter in performing the assigned duties concerning the case.

如您發現案件中的法官或通譯人員,有上述情況,請即時向法院反應，以確保您的權益。

If a judge or a court interpreter is found to be involved in any condition described above, please immediately report the details to the court to protect your rights and interests.

相關的刑事訴訟法規定如下：

The related regulations in Code of Criminal Procedure are as follows:

第 17 條

法官於該管案件有下列情形之一者，應自行迴避，不得執行職務：

一、法官為被害人者。

二、法官現為或曾為被告或被害人之配偶、八親等內之血親、五親等內之姻親或家長、家屬者。

三、法官與被告或被害人訂有婚約者。

四、法官現為或曾為被告或被害人之法定代理人者。

五、法官曾為被告之代理人、辯護人、輔佐人或曾為自訴人、附帶民事訴訟當事人之代理人、輔佐人者。

六、法官曾為告訴人、告發人、證人或鑑定人者。

七、法官曾執行檢察官或司法警察官之職務者。

八、法官曾參與前審之裁判者。

Article 17

Where there is one of the following circumstances in the case before him/her, a judge shall disqualify himself/herself from the case concerned on his/her own motion and may not exercise his/her functions:

(1) where the judge is the victim of the offenses charged in the case concerned;

(2) where the judge is or was the spouse, blood relative within the eighth degree of kinship, relative by marriage within the fifth degree of relationship, family head, or family member of the accused or of the victim;

(3) where the judge has been engaged to the accused or the victim;

(4) where the judge is or was the statutory agent of the accused or the victim;

(5) where the judge had acted as the agent, defense attorney, or assistant of the accused or as the agent or assistant of the private prosecutor or of a party in the supplementary civil action;

(6) where the judge had acted as a complainant, informer, witness or expert witness;

(7) where the judge had exercised the functions of the public prosecutor or judicial police officer;

(8) where the judge had participated in the decision at a previous trial.

第 18 條

當事人遇有下列情形之一者，得聲請法官迴避：

一、法官有前條情形而不自行迴避者。

二、法官有前條以外情形，足認其執行職務有偏頗之虞者。

Article 18

A party may make a motion to disqualify a judge in one of the following circumstances:

(1) where circumstances specified in the preceding article exist and the judge has not disqualified himself/herself from the case concerned on his/her own motion;

(2) where circumstances other than those specified in the preceding article exist which would justify a view that the judge may be prejudiced in the exercise of his functions.