

Citizen judge system to be established

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The government has decided to establish a citizen judge system to ensure public participation in the judicial process after the National Congress on Judicial Reform failed to reach a decision on the issue.

A draft act for the new system is to be proposed next month.

National Security Council adviser and congress deputy executive secretary Lin Feng-jeng (林豐正) yesterday said that the congress has made 12 major decisions, but failed to reach a consensus over whether the nation should adopt a jury system or a lay judge system.

No decision would be made on the issue during the final congress meeting on Saturday, but suggestions would be made to hone the proposed civic participation system, he added.

Judicial Yuan Secretary-General Lu Tai-lang (盧太朗) said a committee was established in June to invite experts from the judicial, legal and academic circles about the proposed system.

The committee has studied the US jury system and the lay judge systems of Germany and Japan to formulate a draft act on a civic participation system that is most appropriate for Taiwan's social environment, Lu said.

In the jury system, jurors are selected on a case-by-case basis and dismissed when the trial is concluded, while in the lay judge system, lay judges are either legal experts or ordinary citizens, he said.

The draft act stipulates a selection process similar to the jury system, which randomly selects participants and does not look for legal expertise, he said.

The final congress meeting would also discuss whether citizen judges should decide the guilt

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and punishment of the accused, or whether they should only decide the guilt, Lu said.

“The citizen judge system would be a middle ground between the jury and lay judge systems, and the term ‘citizen judge’ can avoid associations with either system,” he said.

“A citizen judge is not a person assisting a judge, but is fully independent. A citizen judge has a high degree of autonomy and a status that would be the same as a professional judge, except in cases that are too difficult to be handled by ordinary citizens,” he said.

The criminal appeal process, in which prosecutors deliver the case file and evidence to the judges prior to the trial, has to be changed to make the delivery coincide with, but not prior to, the trial, Lu said.

It is unlikely that a citizen judge could read the case file and examine evidence ahead of a trial, so prosecutors and defendants should present the evidence and defense during the trial, which would be similar to the jury system, Lu said, adding that more negotiations with prosecutors are needed as they have doubts about the new system.

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