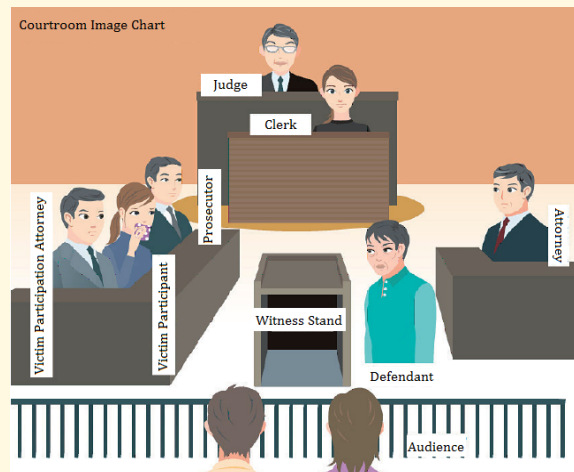


1 Outline of the Victim Participation System

Act was revised in 2007, and the “Victim Participation System” came into effect from 2008/12/1. Since then, requests are made from victims and their surviving families (hereinafter referred to as “victims”) of murderers, negligent driving resulting in death or injury ^(Note), and when permitted by the court, victims have become able to attend the trial date of a criminal trial as “victim participants”.

Also, “victim participants” have also become able to carry out the defendant question, conduct the examination of a witness in regards to the matters concerning circumstances, and give opinions regarding facts and application of laws.

(Note) The categories of crime to which the victim participation system is applied are ① crimes resulting in the death or injury of persons based on premeditated criminal acts, ② forcible indecency, rape, quasi forcible indecency and quasi rape, ③ crime causing death or injury through negligence in the pursuit of social activities, negligent driving resulting in death or injury, capture and confinement, kidnapping of minors, kidnapping for profit, etc. ④ crimes including these criminal acts besides the aforementioned ② and ③ (e.g. rape resulting in bodily injury, etc.), and ⑤ attempting the crimes described in the aforementioned ① through ④ (Code of Criminal Procedure Article 316–33).



2 Operation Status of the Victim Participation System

(1) Victim participation request and decision of approval

It has been a year since the start of the “Victim Participation System” by last year in November and so far 552 requests have been made from 926 victims. The breakdown of victim participation requests by criminal charges are shown in Chart 1, and Chart 2 shows breakdown of persons who made victim participation requests. In addition, 522 cases from 850 persons were approved for victim participation.

Victim participants may entrust attorneys with acts, including questioning of defendants. “The System of Court–Appointed Attorneys at Law for Victims” has also been initiated, where courts appoint

attorneys with the expense of the State, so that people with scarce resources can receive legal aid from attorneys. Through the Japan Legal Support Center, 177 persons in 153 cases has also requested for assignment of Court–Appointed Attorneys at Law for Victims.

Chart 1 Breakdown of Number of Victim Participant Requests by Principle of Charged Offense

Charge	Number of Cases
Negligent driving resulting in death or injury	265 (21)
Rape, forced indecency, etc.	85 (50)
Homicide, attempted homicide	65 (35)
Injury	56 (26)
Robbery·murder, Robbery causing death	28 (7)
Injury causing death	19 (7)
Causing death or injury through negligence in the pursuit of social activities	17 (1)
Dangerous driving causing death or injury	10 (0)
Kidnapping capture/ confinement, etc.	4 (4)
Gross negligence resulting in death or injury	3 (2)

Chart 2 Breakdown of Number of Victim Participant Requesters

Victim	175
Spouse	89
Lineal Relatives (Parents)	237
Lineal Relatives (Children)	146
Lineal Relatives (Other)	25
Brother or Sister	64
Legal Representative	15
Entrusted Attorney	175

Numbers in parentheses () represent the number of cases in which assigned Court–Appointed Attorneys at Law for Victims were requested for selection.

(2) Regarding attendance on the trial date, examination of witnesses/defendant question, and statement of views relating to the application of facts and the law.

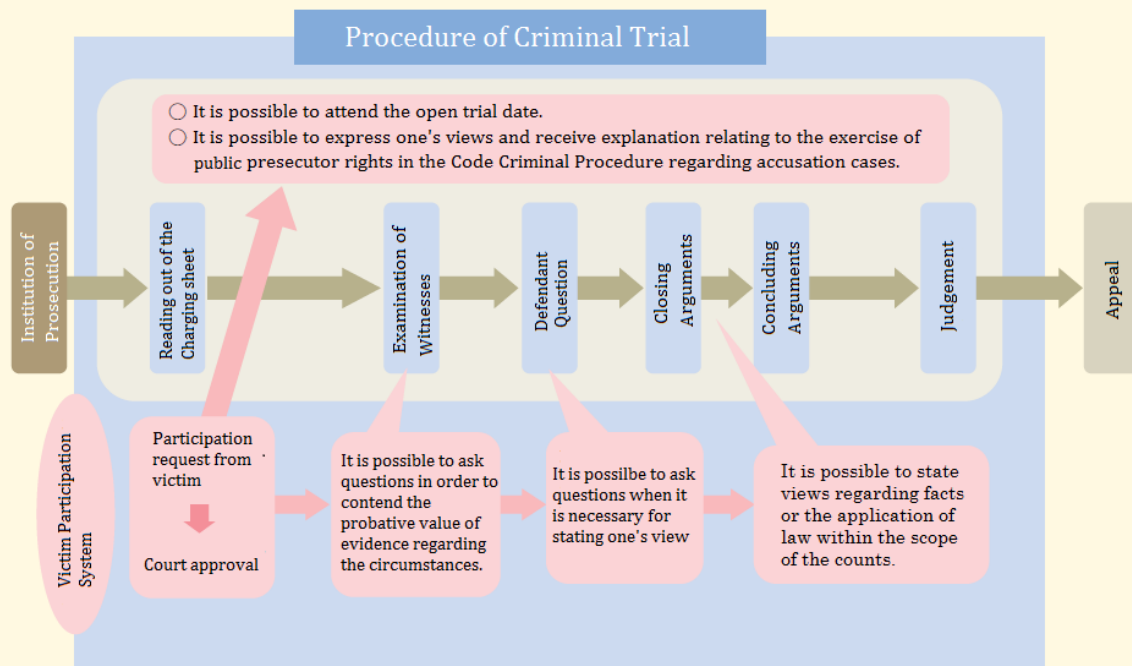
Up until now, consideration has been given for victims so as to secure their preferential seating in the court gallery. However, victim participants are not seated in the gallery but are placed inside the courtroom and as a positively “concerned party in the case”, they have become able to attend the trial date of the criminal trial.

Also, the victim participant is approved to ask questions directly to the witnesses regarding

general circumstances, such as, for example the status of out-of-court settlement or apology from the defendant or the defendant's family.

Furthermore, the victim participant is able to ask questions directly to the defendant in the courtroom, and

Outline of System in which Crime Victims Participate in the Criminal Trial



state views regarding facts or the application of law. Application of the law include; the victim participant being able to express their opinions about sentences, including desired prison term.

At the time point of one year since the start of the "Victim Participant System", the number of cases in which victim participants have carried out these actions are shown below in Chart 3.

Chart 3 Number of Cases Victim Participants have Attended on Trial Date

Attended on a Trial date	410 cases, 657 people
Examination of Witness	80 cases, 105 people
Defendant Question	266 cases, 329 people
Views Stated Regarding Application of Facts or Law	226 cases, 282 people

3 Regarding Future Use

Please freely approach the public prosecutor when unsure of whether to use the "victim participation system" with victims.