

## What evidence is not legitimate ?

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**First, the evidence is not legally subject . China´s " Civil Procedure Law" Article 70 provides that: "People can not express the will of the right not to testify ." Therefore, no capacity for civil conduct of minors, the mentally ill , as the testimony of witnesses , the evidence collected does not comply with the law , provide the required subject, it is illegal evidence.**

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Second, the evidence does not legitimate . Threats, deception, temptation and other illegal methods to collect evidence , is not legitimate ; administrative proceedings , the defendant to the plaintiff to collect evidence and witnesses , because they do not have the legitimacy of the collection process , in this case , the evidence collected is not legitimate .

Third, the forms are not legitimate . "Civil Law " Article 63 and " Administrative Procedure Law " Article 31 has made seven kinds of forms of evidence , namely: the documentary evidence, physical evidence, witness testimony, statements by the parties , audio-visual materials , conclusions , inquest record the scene. This is a form of protection from the provisions of the objectivity of evidence made factual content , such as the form does not meet the above seven kinds of evidence that is collected is not legitimate .

Fourth, the evidence requirements are not legal. It should have a specific form required by law or to fulfill legal formalities established by documentary evidence, must also meet the specific form . For example, the proof of marriage established by documentary evidence, must be after the marriage registration authority to obtain the marriage certificate