

Collection and use of evidence

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Three public security organs have the right to collect the relevant units and individuals to obtain evidence . The units and individuals shall provide truthful evidence . Evidence involving state secrets , shall be confidential. Collect evidence , public security staff to identify cases of judicial truth , according to legal procedures investigation found that the acquisition and preservation of all the circumstances and events related to the case materials. Investigators , prosecutors , judicial officers must follow legal procedures to collect the suspect can prove the defendant 's guilt or innocence , the seriousness of the crime of various kinds of evidence . Prohibited torture and threats, enticement , deceit or other unlawful means to collect evidence. Must be guaranteed for all citizens to understand the merits of the case or who have conditions put forward sufficient evidence objectively , except in special circumstances, they can be absorbed to assist the investigation .

Broadly speaking , in criminal proceedings, in addition to public security and judicial powers to gather evidence based outside parties and counsel can sometimes be the collection of evidence . Article 37 of the Criminal Procedure Code , the witnesses , defense lawyers or other relevant units and individuals agree that they can to collect materials related to the case . In the case of private prosecution , the legal requirements when private prosecutor filed a lawsuit , should provide sufficient evidence.

Collect evidence of the following basic requirements: First, strictly in accordance with legal procedures ; Second, one must take the initiative in a timely manner ; Third, we must objectively and comprehensively ; Fourth, pay attention to rely on the masses and the use of scientific techniques ; Fifth, the evidence collected must be properly preserved. * Those who know the case shall have the obligation to testify . Physically or mentally defective or young , can not identify right and wrong, people can not properly express themselves not as a witness . Public security organs should effectively protect the safety of witnesses and their close relatives.

The court refers to the use of evidence found after the Public Security judicial officer to review the evidence collected to verify the material , based on verified evidence to determine the facts . The court found the use of evidence in close contact with the examination and judgment of evidence , but different . Review of the evidence is to examine the objectivity and relevance of the evidence to determine the authenticity of the evidence and the facts of the case probative force . The court finds on the basis of the examination of evidence on the basis of the evidence has been verified to make judgments on the facts of the case . The court found the use of evidence is a gradual deepening of the process. Each stage of the proceedings are court finds the use of evidence through a road check program , know the facts of the case more and more in line with the truth , and ultimately achieve certification requirements prescribed by law - criminal facts are clear , there is ample evidence . Evidence facts of the case at this time to form a tight proof system as a whole, the conclusion is the sole and exclusive .

The court found the use of evidence must be aware of the following issues: First , according to all the evidence to the court verdict must go through investigation and verification . Second, only the defendant's confession, there is no other evidence , can not be found the defendant guilty and sentenced ; no defendant confessed , there is ample evidence can be found the defendant guilty and sentenced . Third, the lack of evidence to convict the formation of " mystery " shall be guilty processing .