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Knotty Problems and Solutions about the Exclusion of Illegal Confession

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Abstract: If parties apply for excluding illegal confession while the judge hasn't started the exclusion procedure yet, or has decided not to exclude the confession, parties still have the right to put forward causes for application to refute the probative force. The standard of excluding confession, testimony and victim statement should be the same one, that is, whether the illegal act of collecting evidences makes people confess against their free will. If procuratorial organs exclude confession in the process of review of the indictment and interrogate suspects again, they must ensure suspects make voluntary confession. Judges mustn't ignore the information beneficial to the accused in the excluded repeated confession. Confession notes have little value in proving the legality of collecting evidences, and the accordance of confession notes can't be the indication of legality. In cases with many defendants, each defendant has the right to apply for excluding other defendant's confession no matter that confession is against him or not.

Key words: illegal confession; exclusion; competence of evidence

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● 刊讯

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