

涉自贸区(港)诉讼指南

The Free Trade Zone (Port) Litigation Guide

当事人的民事诉讼权利与义务

當事人的民事訴訟權利與義務

**Litigant's Civil Litigation
Rights and Obligations**

海南省高级人民法院 印制

THE HIGHER PEOPLE'S COURT OF HAINAN PROVINCE



当事人的民事诉讼权利与义务 當事人的民事訴訟權利與義務 Litigant's Civil Litigation Rights and Obligations

I. 当事人的诉讼权利 / 當事人的訴訟權利 Litigant's Litigation Rights

1. 原告有提起诉讼，放弃、变更诉讼请求，撤回诉讼和申请财产保全的权利；

原告有提起訴訟，放棄、變更訴訟請求，撤回訴訟和申請財產保全的權利；

The plaintiff is entitled to file a lawsuit, relinquish or modify claims, withdraw a suit and apply for property preservation;

2. 被告有承认或者反驳原告的诉讼请求和提起反诉的权利；

被告有承認或者反駁原告的訴訟請求和提起反訴的權利；

The defendant is entitled to admit or refute the plaintiff's claim, and file a counterclaim;

3. 当事人有委托诉讼代理人的权利

當事人有委托訴訟代理人的權利；

The parties are entitled to retain representatives;

4. 当事人有使用本民族语言、文字进行诉讼的权利；

當事人有使用本民族語言、文字進行訴訟的權利；

The parties are entitled to use their native languages in civil procedures;

5. 审判人员、书记员、翻译人员、鉴定人、勘验人有下列情形之一的，当事人有权申请其回避：

審判人員、書記員、翻譯人員、鑒定人、勘驗人有下列情形之一的，當事人有權申請其回避：

The parties are entitled to request disqualification if the judges, court clerks, interpreters, identification or evaluation experts, and surveyors are:

a) 是本案当事人或者当事人、诉讼代理人近亲属的；

是本案當事人或者當事人、訴訟代理人近親屬的；

parties of this case or close relative of parties and litigation representatives;

b) 与本案有利害关系的/與本案有利害關係的;

Interested party of this case;

c) 与本案当事人、诉讼代理人有其他关系，可能影响对案件公正审理的。

與本案當事人、訴訟代理人有其他關係，可能影響對案件公正審理的。

Have other relationship with parties of this case, which may affect the impartial trial of the case.

6. 当事人有依法申请延长举证期限或申请法院调查收集证据的权利;

當事人有依法申請延長舉證期限或申請法院調查收集證據的權利;

The parties are entitled to apply for extension of time limit for adducing evidence in accordance with law or apply to the court for investigation and evidence collection;

7. 当事人有自行和解的权利

當事人有自行和解的權利;

The parties are entitled to reach a settlement by themselves;

8. 当事人有查阅庭审笔录的权利

當事人有查閱庭審筆錄的權利;

The parties are entitled to consult trial records;

9. 当事人有在法定期限内提起上诉的权利

當事人有在法定期限內提起上訴的權利;

The parties are entitled to institute an appeal within statutory period;

10. 当事人有申请执行生效判决、裁定和调解书的权利。

當事人有申請執行生效判決、裁定和調解書的權利。

The parties are entitled to request execution of effective judgments, rulings and consent judgments.



II. 当事人的诉讼义务 / 當事人的訴訟義務 Litigant's Litigation Obligations

1. 依法行使诉讼权利 / 依法行使訴訟權利;
Exercising litigation rights in accordance with law;
2. 依法交纳诉讼费用 / 依法交納訴訟費用;
Paying litigation fee as required by law;
3. 向法院提供准确的地址和联系信息
向法院提供準確的地址和聯系信息;
Providing accurate address and contact information to the Court;
4. 在规定的期限内向法院提供证据
在規定的期限內向法院提供證據;
Providing evidences to the Court within prescribed time limit;
5. 按时出庭参加诉讼/按時出庭參加訴訟;
Appearing in court on time to participate the proceedings;
6. 服从审判人员的指挥, 遵守诉讼秩序
服從審判人員的指揮, 遵守訴訟秩序;
Obeying court commands and litigation order;
7. 履行生效判决、裁定和调解书
履行生效判決、裁定和調解書。
Executing effective judgments, rulings and consent judgments.

当事人不履行诉讼义务, 有妨碍民事诉讼的行为的, 人民法院可以根据情节轻重, 予以训诫、罚款或者拘留; 构成犯罪的, 依法追究刑事责任。

當事人不履行訴訟義務, 有妨礙民事訴訟的行為的, 人民法院可以根據情節輕重, 予以訓誡、罰款或者拘留; 構成犯罪的, 依法追究刑事責任。

Where a party fails to perform litigation obligations and has any act obstructing civil litigation, the people's court may, according to the severity of the circumstances, reprimand him, impose a fine or detention on him; and if suspected of any crime, the party shall be subject to criminal liability in accordance with law.