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13 June 2007

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China: Whether the Public Security Bureau (PSB) seizes Resident Identity Cards or passports from homes of people they are planning to arrest; circumstances under which the identity documents would be seized; whether a receipt would be issued (2005 - 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 15 of the Law of the People's Republic of China on Resident Identity Cards states that

[n]o organization or individual may seize any resident identity card. However, exception shall be made where the public security organ executes the enforcement measure for residential surveillance in accordance with the Criminal Procedure Law of the People's Republic of China. (China 28 June 2003)

In China, residential surveillance is a type of non-custodial detention, which can last up to six months (China 1 July 1979; see also HRIC 3 Feb. 2006). Under the country's Criminal Procedure Law, criminal suspects under residential surveillance may not leave their residence or meet with other people without obtaining the "approval of the executing organ" (China 1 July 1979).

China's Criminal Procedure Law also indicates that the Public Security Bureau (PSB) must issue receipts for any property or documents seized during an investigation (ibid.). Articles 114 and 115 of the law stipulate the following:

Article 114

All articles and documents found in the course of an inquest and search, which may be used to prove the guilt or innocence of the crime suspect, shall be seized; articles and documents irrelevant to the case may not be seized.

All articles and documents so seized shall be properly kept or sealed up, and may not be utilized, damaged or destroyed.

Article 115

All articles and documents so seized shall be accurately checked by the investigating personnel together with the eyewitnesses and the holder, a detailed list of such articles and documents shall be made in duplicate on the spot, which shall be signed or affixed with their seals by the investigating personnel, the eyewitnesses and the holder, one copy of the list shall be given to the holder, and the other copy shall be kept on file for reference. (ibid.)

In 26 March 2007 correspondence sent to the Research Directorate, a representative of the New York-based organization Human Rights in China (HRIC) stated that

[s]eizure of ID documents [by the PSB] depends very much on local practice. An ID card may be

temporarily seized for the authorities to ascertain the person's place of residence, etc. If circumstances are considered "serious," it is conceivable that a passport would also be seized.

Concerning PSB issuance of receipts for seized documents, the HRIC Representative noted that

[w]hether a receipt is issued would also depend on local/individual practice. Regulations on this point are lacking, and much is left to the discretion of the individual official. For many officials, a receipt is just more paperwork, and they would be happy to dispense with it. Officials can be very lax about returning things to people. In our experience, police often seize computers and other items during searches of the homes of political or religious activists, without bothering to return those items once the process is completed. (HRIC 26 Mar. 2007)

According to news reports by China Aid Association (CAA), a United States (US)-based non-governmental organization (NGO) that investigates and advocates religious freedom in China (CAA n.d.), during raids of house churches, PSB officials have confiscated personal property of Christians without providing receipts (ibid. 8 June 2006; ibid. 21 Oct. 2005). Officials have reportedly confiscated such personal items as digital cameras (CAA 21 Oct. 2005; ibid. 18 Apr. 2007), cell phones (ibid.; CAA 21 Oct. 2005), computers (ibid. 18 Apr. 2007), bibles (ibid.; ibid. 8 June 2006), and cash (ibid. 21 Oct. 2005; ibid. 18 Apr. 2007).

Regarding the confiscation of identity documents from underground Christians, the HRIC Representative indicated in her correspondence that

underground Christians are considered more of a problem in some localities than in others. Where the situation is considered "serious," you could expect the treatment of Christians to be harsher and made even more oppressive by the confiscation of documents needed in many aspects of life. (26 Mar. 2007)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

China. 28 June 2003. Law of the People's Republic of China on Resident Identity Cards (Order of the President No. 4). <http://english.gov.cn/laws/2005-09/06/content_29700.htm> [Accessed 15 Mar. 2007]

_____. 1 July 1979 (amended on 17 March 1996). Criminal Procedure Law of the People's Republic of China. Unofficial translation from <www.chinalaw.cc>. (United Nations High Commissioner for Refugees Web site) <<http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.pdf?tbl=RSDLEGAL&id=3ddbcd4e7>> [Accessed 1 May 2007]

China Aid Association (CAA). 18 April 2007. "Released Church Leaders in Henan and Inner Mongolia File Lawsuit against Abusers in the Government." <http://www.chinaaid.org/english_site/press_release_detail.php?id=1959> [Accessed 1 May 2007]

_____. 8 June 2006. "28 House Church Christians Detained in Henan for Independent Religious Service; Prominent Rights Lawyers Intervene." <http://www.chinaaid.org/english_site/press_release_detail.php?id=487> [Accessed 1 May 2007]

_____. 21 October 2005. "Arrested Church Leaders Released Under International Pressure." <http://www.chinaaid.org/english_site/press_release_detail.php?id=47> [Accessed 1 May 2007]

_____. N.d. "China Aid Mission Statement." <http://www.chinaaid.org/english_site/mission.php> [Accessed 1 May 2007]

Human Rights in China (HRIC). 26 March 2007. Correspondence from a representative.

_____. 3 February 2006. "House Church Leader's Sentence Wrongfully Prolonged." <<http://www.hrichina.org/public/contents/press?revision%5fid=26776&item%5fid=26775>> [Accessed 21 Mar. 2007]

Additional Sources Consulted

Internet sites, including: Amnesty International (AI), British Broadcasting Corporation (BBC), European

Country of Origin Information Network (ecoi.net), Factiva, Human Rights in China (HRIC), Human Rights Watch (HRW), Laogai Research Foundation, Office of the United Nations High Commissioner for Human Rights (OHCHR), United Kingdom Home Office, United States - Congressional-Executive Commission on China (CECC), United States Department of State.

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