

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

18 October 2013

### CHN104458.E

China: Samples of summonses and subpoenas  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

For details on summonses and subpoenas and how they are used, please see Response to Information Request CHN104188.

In correspondence with the Research Directorate, the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong (CUHK), who is also a research assistant professor at CUHK's Faculty of Law, provided court manuals as well as samples of summonses and a subpoena taken from police (Associate Director 22 June 2013). The samples were taken from manuals owned by the Associate Director as well as obtained from CUHK's library (ibid. 18 June 2013).

According to the Associate Director, there has been no variation in the format of the summonses and subpoenas since 2003 (ibid. 22 June 2013). In subsequent correspondence, the Associate Director stated that such forms are supposed to be used throughout the country and that "regional variations are not meant to exist" (ibid. 24 June 2013).

Corroboration of the above information could not be found among the sources consulted by the Research Directorate.

The following documents are attached to this Response:

- A sample of a court-issued subpoena [*chuanpiao*] (China n.d.a). The section on the left is the counterfoil and is to be retained on file and the section on the right is to be provided to the person being summoned (ibid.).
- A sample of a coercive summons [*juchuan*] issued by Public Security Bureaus (China n.d.b). The section on the left is the counterfoil, while the section on the right is to be retained on file (ibid.).
- A sample of a criminal summons [*xingshi chuanhuan*] (China n.d.c). The section on the left is the counterfoil, the middle section is to be retained on file and the section on the right is to be given to the person being summoned and must be presented when appearing for questioning (ibid.).
- A sample of a public security summons [*zhi'an chuanhuan*] (China n.d.d.). The section on the left is the counterfoil while the section on the right is to be given to the person being summoned (ibid.).

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 sources consulted in researching this Information Request.

### References

Associate Director, Centre for Rights and Justice at the Chinese University of Hong Kong. 24 June 2013. Correspondence with the Research Directorate.

\_\_\_\_\_. 22 June 2013. Correspondence with the Research Directorate.

\_\_\_\_\_. 18 June 2013. Correspondence with the Research Directorate.

China. N.d.a. "Subpoena." *The Making of Criminal Court Documents: [Legal] Basis and Explanation*. 2006. Beijing: People's Court Press, 762-763. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

\_\_\_\_\_. N.d.b. "Coercive Summons." *The Making and Use of Criminal Law Documents by Public Security Authorities*. 2006. Beijing: Chinese People's Public Security University Press, 106. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

\_\_\_\_\_. N.d.c. "Criminal Summons." *The Making and Use of Criminal Law Documents by Public Security Authorities*. 2006. Beijing: Chinese People's Public Security University Press, 212. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

\_\_\_\_\_. N.d.d. "Public Security Summons." *Making the New Versions of Administrative Law Documents for Public Security Authorities (with Model Documents)*. 2006. Beijing: Qun Zhong Publishing House, 36-37. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

### Additional Sources Consulted

**Oral sources:** A representative of the Tian Bo Law Firm in Beijing was unable to provide information for this Response. Attempts to contact the following were unsuccessful: professor, Columbia University; associate professor, University of Melbourne; Executive Director, U.S.-Asia Law Institute; associate professor of Law, China University of Political Science and Law; research associate, Centre for Rights and Justice, Chinese University of Hong Kong; representatives of Beijing Jin Tian Cheng Law Firm, Beijing PangPiao Law Firm, Dacheng Law Offices, GANUS Law Offices, Gao Peng & Partners, Hebei Yanzhao ZhongCheng Law Firm, and Shanghai Lixiaohua Law Firm.

**Internet sites, including:** Allbright Law Offices; Amnesty International; Beijing PangBiao Law Firm; Ceilaw; China Law & Policy; China Law & Practice; China Perspectives; China Radio International; Chinalawinfo; China.org.cn; Chinese Legal Research at the University of Washington; Gov.cn; iSinoLaw; Lehman, Lee & Xu; Research Guides to Chinese Law; Supreme Court of the People's Republic of China; United States – Embassy of the United States to China, Library of Congress; WIPO Lex.

### Attachments

1. China. N.d.a. "Subpeona." *The Making of Criminal Court Documents: [Legal] Basis and Explanation*. 2006. Beijing: People's Court Press. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

2.\_\_\_\_\_. N.d.b. "Coercive Summons." *The Making and Use of Criminal Law Documents by Public Security Authorities*. 2006. Beijing: Chinese People's Public Security University Press. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

3.\_\_\_\_\_. N.d.c. "Criminal Summons." *The Making and Use of Criminal Law Documents by Public Security Authorities*. 2006. Beijing: Chinese People's Public Security University Press. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

4.\_\_\_\_\_. N.d.d. "Public Security Summons." *Making the New Versions of Administrative Law Documents for Public Security Authorities (with Model Documents)*. 2006. Beijing: Qun Zhong Publishing House. Extract provided by the Associate Director of the Centre for Rights and Justice at the Chinese University of Hong Kong.

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