



RESPONSES TO INFORMATION REQUESTS (RIRs)

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30 September 2004

CHN42909.E

China: Whether the Public Security Bureau or other authorities, when searching and seizing documents from persons who are wanted for illegal religious activity or other offences, would issue a receipt to the alleged offender detailing what materials have been seized (2000-September 2004)

Research Directorate, Immigration and Refugee Board, Ottawa

A Beijing-based prosecutor, who is currently doing a research fellowship at Columbia Law School, and a professor of sociology at Rhode Island College who specializes in crime and social control in China stated in 24 September 2004 and 27 September 2004 correspondence respectively that the Public Security Bureau (PSB) are mandated by law to issue receipts to persons whose material has been seized for alleged illegal religious activity or other offences. The prosecutor added that the PSB must provide the receipt as per articles 114 and 115 of China's Criminal Procedural Law (24 Sept. 2004). He also stated that these receipts are standard documentary evidence in criminal proceedings, at least in those he has observed in Beijing.

Articles 114 and 115 of the Criminal Procedure Law of the People's Republic of China of 1 January 1997 stipulate the following:

Article 114 Any articles and documents discovered during an inquest or search that may be used to prove a criminal suspect's guilt or innocence shall be seized. Articles and documents which are irrelevant to the case may not be seized.

Seized articles and documents shall be properly kept or sealed for safekeeping and may not be utilized or damaged.

Article 115 All seized articles and documents shall be carefully checked by the investigators jointly with the eyewitnesses and the holder of the articles; a detailed list shall be made in duplicate on the spot and shall be signed or sealed by the investigators, 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.

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

Beijing-based prosecutor and research fellow at Columbia Law School, New York. 24 September 2004. Correspondence.

People's Republic of China. 1 January 1997. Criminal Procedure Law of the People's Republic of China. <<http://en.chinacourt.org/public/detail.php?id=2693> [Accessed 30 Sept. 2004]>

Professor of Sociology, Rhode Island College, Providence. 27 September 2004. Correspondence.

Additional Sources Consulted

Two academics did not have information on the requested subject.

Attempts to obtain additional information from several other academics were unsuccessful within the time constraints of this Response.

Internet sites, including: Amnesty International, Chinalaw, Human Rights in China, Human Rights Watch, Immigration and Nationality Directorate, US Department of State.

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 [Top of Page](#)

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