



Ian Hardy

CEO Optima Juris, Global Deposition Expert

Depositions in China: Are they possible?

Handling depositions in China can be a little tricky. Even though China is member of the Hague Convention, it does not permit the taking of depositions or witness statements (even from willing witnesses) in China for use in foreign courts. Beyond being merely frowned upon, participation in unauthorized depositions can result in serious sanctions, from deportation to the arrest and detention of attorneys and other participants. Even conducting a deposition in a hotel room with an oath by private persons could result in criminal penalties under Chinese law.

However, the good news is that there is a way around this! Keep reading to find out how.

Here is the official statement from the U.S. Department of State website

<http://travel.state.gov/content/travel/english/legal-considerations/judicial/country/china.html>

China does not permit attorneys to take depositions in China for use in foreign courts. Under its Declarations and Reservations to the Hague Evidence Convention and subsequent diplomatic communications, China has indicated that taking depositions, whether voluntary or compelled, and obtaining other evidence in China for use in foreign courts may, as a general matter, only be accomplished through requests to its Central Authority under the Hague Evidence Convention. Consular depositions would require permission from the Central Authority on a case by case basis and the Department of State will not authorize the involvement of consular personnel in a deposition without that permission. Participation in such activity could result in the arrest, detention or deportation of the American attorneys and other participants.

Here at Optima Juris we cover depositions of Chinese witnesses all the time. So how do we do it? The best solution is to have your witness travel from mainland China to Hong Kong (or a nearby Asian country like Singapore if more convenient), and take your deposition there. Depositions are completely legal and there are no restrictions for taking them outside of China. We have local court reporters in Hong Kong, Singapore, and throughout Asia who help us conduct these depositions with ease.

If you have an upcoming deposition in China, we recommend that you [contact us](#) directly and we can advise you based on your particular situation. We can help to find the best solution for your specific requirements! Please also feel free to visit our [informational quote request page](#) for China.

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