

Counterterrorism Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of preventing and punishing terrorist activities, strengthening counterterrorism work, and safeguarding national security, public safety, and the safety of people's lives and property.

Article 2 — The State shall oppose all forms of terrorism, prohibit terrorist activities in accordance with the law, ban terrorist organizations in accordance with the law, and hold legally liable persons who organize, plan, prepare for, carry out, or participate in terrorist activities, or who propagate terrorism, incite terrorist activities, or illegally possess articles promoting terrorism, or compel others to wear clothing or symbols promoting terrorism in public places, or assist terrorist activities.

Article 3 — For the purposes of this Law, "terrorism" refers to any proposition or act that creates social panic, endangers public safety, infringes upon person and property, or coerces State organs or international organizations, through means such as violence, sabotage, or intimidation, for the purpose of realizing political, ideological, or other objectives. "Terrorist organization" refers to a criminal organization formed by three or more persons for the purpose of carrying out terrorist activities. "Terrorist activities" refers to any of the following acts of terrorism: (1) organizing, planning, preparing for, or carrying out activities that cause or intend to cause serious social harm such as casualties, major property damage, damage to public facilities, or disorder in society; (2) propagating terrorism, inciting the carrying out of terrorist activities, or illegally possessing articles promoting terrorism, or compelling others to wear clothing or symbols promoting terrorism in public places; (3) organizing, leading, or participating in a terrorist organization; (4) providing support, assistance, or facilitation such as information, funds, material supplies, labor services, technology, or venues to a terrorist organization, a terrorist, the carrying out of terrorist activities, or terrorist activities training; (5) other terrorist activities.

Article 4 — The State shall establish a counterterrorism work leadership structure unifying leadership and command across the country, with division of labor and cooperation among departments, linkage between different levels, and efficient operation. The State shall establish a counterterrorism work leading body to uniformly lead and command counterterrorism work nationwide.

Article 5 — Counterterrorism work shall adhere to the principles of combining specialized work with reliance on the masses, taking precautions as the primary approach, combining punishment with prevention, and combining proactive offense with defense according to the situation.

Article 6 — Counterterrorism work shall be conducted in accordance with the law, respecting and safeguarding human rights, and safeguarding the lawful rights and interests of citizens and organizations. No discrimination based on region, ethnicity, religion, or other grounds shall be practiced in counterterrorism work.

Article 7 — The State shall establish and improve the counterterrorism work mechanism and strengthen capacity building in counterterrorism prevention, intelligence and information, investigation, emergency response, and punishment to enhance the level of counterterrorism work.

Chapter II — Determination of Terrorist Organizations and Persons

Article 8 — The national counterterrorism work leading body shall determine terrorist organizations and persons in accordance with this Law and publish the determination.

Article 9 — The public security department, the national security department, the people's procuratorate, and the people's court shall, in the course of handling cases, discover any organization or person that should be determined as a terrorist organization or terrorist, and shall submit the case to the national counterterrorism work leading body for determination.

Article 10 — Where there is reasonable basis to believe that an organization or person falls under any of the circumstances specified in this Law, and a determination is needed, the national counterterrorism work leading body may directly determine it as a terrorist organization or terrorist.

Article 11 — Where an organization or person is determined as a terrorist organization or terrorist, the national counterterrorism work leading body may announce the freezing of its assets in accordance with the law, and the relevant departments shall take measures to freeze its assets.

Chapter III — Security Precautions

Article 12 — People's governments at all levels and their relevant departments shall strengthen publicity and education on counterterrorism and enhance citizens' counterterrorism safety awareness.

Article 13 — The education and human resources administrative departments, schools, and relevant vocational training institutions shall incorporate counterterrorism knowledge into education and teaching content, conduct counterterrorism education for students, and conduct emergency response drills.

Article 14 — The news, radio, television, culture, religion, Internet, and other relevant entities shall target their audiences to conduct counterterrorism publicity and education.

Article 15 — The telecommunications business operators and Internet service providers shall, in accordance with the provisions of laws and administrative regulations, implement network security and information content supervision systems and technical measures to prevent the dissemination of information containing terrorism or extremism.

Article 16 — Telecommunications business operators and Internet service providers shall provide technical interfaces, decryption, and other technical support and assistance for the prevention and investigation of terrorist activities conducted by public security organs and national security organs in accordance with the law. Telecommunications business operators and Internet service providers shall, in accordance with laws and administrative regulations, implement security technical protection measures for critical information infrastructure and prevent the use of the Internet to carry out terrorist activities.

Article 17 — Railway, highway, waterway, and air transport operators shall implement safety inspection systems and conduct safety inspections on personnel and articles transported. Postal and express delivery enterprises shall implement a system of real-name receipt and delivery and a system of visual inspection of the contents of postal items and express mail for security.

Article 18 — Key target management units shall fulfill the following duties: (1) formulate security precaution systems and emergency response plans, and specify security precaution responsible personnel and post responsibilities; (2) equip and train full-time or part-time security personnel to meet the needs of security precautions; (3) install and use public security video image information systems and other technical defense facilities and equipment; (4) conduct regular inspections of security precaution facilities and equipment to ensure their normal operation; (5) conduct regular security risk assessments and eliminate security hazards in a timely manner. Key targets shall include crowded public places, airports, railway stations, docks, urban rail transit stations, highway long-distance passenger stations, ports, and other key targets.

Article 19 — Enterprises producing, trading, transporting, importing, or exporting precursor chemicals, firearms and ammunition, controlled knives, inflammable and explosive materials, hazardous chemicals, and radioactive materials shall implement an electronic tracking and marking system and real-name registration management.

Article 20 — Financial institutions and designated non-financial institutions shall implement a customer identification system and a reporting system for large-value transactions and suspicious transactions in accordance with the law to prevent terrorist financing.

Article 21 — Customs and the entry-exit border inspection authorities shall conduct exit-entry management, inspection, and quarantine of persons, articles, and means of transport entering or exiting the country in accordance with the law, and strictly prevent terrorists, persons suspected of terrorist activities, and articles suspected of terrorist activities from entering or exiting the country.

Chapter IV — Intelligence and Information

Article 22 — The State shall establish a national counterterrorism intelligence center, establish a cross-departmental intelligence and information operation mechanism, and coordinate counterterrorism intelligence and information work.

Article 23 — Public security organs, national security organs, military organs, and other relevant departments shall collect counterterrorism intelligence and information in accordance with their respective responsibilities and promptly submit them to the national counterterrorism intelligence center.

Article 24 — Local people's governments at all levels and their relevant departments shall promptly report to the public security organ or the national security organ any terrorist activity information or clues they have knowledge of.

Chapter V — Investigation

Article 25 — Public security organs may, based on the needs of investigating terrorist activities, take technical investigation measures after undergoing strict approval procedures in accordance with the provisions of the law.

Article 26 — Where a public security organ discovers that a criminal suspect is about to commit or is committing terrorist activities, it may take restrictive measures on the criminal suspect in accordance with the provisions of the law.

Article 27 — Public security organs investigating terrorist activity cases shall have the power to summon, interrogate, inspect, search, seal, seize, and freeze property in accordance with the provisions of the law.

Article 28 — Where terrorist incidents involve foreign countries, the national counterterrorism work leading body shall organize public security, national security, foreign affairs, and other relevant departments to carry out international cooperation in accordance with the law, such as intelligence exchange, evidence collection, asset freezing, and cross-border pursuit.

Chapter VI — Response and Handling

Article 29 — The State shall establish and improve the counterterrorism emergency response plan system. The national counterterrorism work leading body shall formulate the national counterterrorism emergency response plan. Local people's governments at all levels shall formulate local counterterrorism emergency response plans.

Article 30 — Where a terrorist incident occurs, the counterterrorism work leading body shall promptly activate the emergency response plan and organize relevant departments to carry out on-site response and handling. Where circumstances so require, the people's government at or above the county level may decide to declare a state of emergency in accordance with the law on the area where the incident occurs.

Article 31 — Where the terrorist incident cannot be controlled or its scope expands during the response and handling, the counterterrorism work leading body shall promptly report to the people's government at the next higher level and request reinforcement.

Chapter VII — International Cooperation

Article 32 — The People's Republic of China shall, within the limits of the law and on the basis of equality and mutual benefit, conduct counterterrorism international cooperation with other countries, regions, and relevant international organizations.

Article 33 — The relevant departments of the State Council shall, on behalf of the Chinese government, conduct policy dialogues, intelligence and information exchanges, law enforcement cooperation, financial supervision, and other counterterrorism activities with foreign governments and relevant international organizations.

Article 34 — Where a request for criminal judicial assistance involves terrorist activities, it shall be handled in accordance with the provisions of the relevant laws.

Article 35 — The public security organ, upon approval by the State Council or its authorized department, may send personnel to carry out counterterrorism missions abroad.

Chapter VIII — Safeguard Measures

Article 36 — The State shall include counterterrorism funds in the fiscal budget to guarantee the funding needs for counterterrorism work.

Article 37 — The State shall equip counterterrorism professional forces with necessary professional skills and equipment, and strengthen training and drills to improve the capacity for counterterrorism response and handling.

Article 38 — The State shall encourage and support counterterrorism scientific research and technological innovation, develop and promote the use of advanced counterterrorism technology and equipment.

Article 39 — Persons who suffer casualties or property losses as a result of performing counterterrorism duties or assisting in counterterrorism work shall be provided with compensation, preferential treatment, or relief in accordance with the relevant State regulations.

Chapter IX — Legal Liability

Article 40 — Anyone who organizes, plans, prepares for, or carries out terrorist activities shall be pursued for criminal liability in accordance with the law.

Article 41 — Anyone who provides support, assistance, or facilitation, such as information, funds, material supplies, labor services, technology, or venues, knowing that another person is carrying out terrorist activities, shall be pursued for criminal liability in accordance with the law.

Article 42 — Where an entity violates the provisions of this Law by failing to implement security precaution measures, the public security organ shall order it to make corrections within a time limit. Where the circumstances are serious, a fine of not less than RMB 100,000 but not more than RMB 500,000 shall be imposed, and the directly responsible person in charge and other directly responsible persons shall be fined not less than RMB 10,000 but not more than RMB 50,000.

Article 43 — Where telecommunications business operators or Internet service providers fail to implement the relevant systems and measures in violation of the provisions of this Law, the competent telecommunications department or the public security organ shall order correction and impose penalties in accordance with the law.

Article 44 — Where a financial institution or a designated non-financial institution violates the provisions of this Law by failing to implement the customer identification system, the reporting system for large-value transactions and suspicious transactions, or other relevant systems, penalties shall be imposed by the competent financial regulatory department in accordance with the law.

Chapter X — Supplementary Provisions

Article 45 — This Law shall take effect as of January 1, 2016. The Decision of the Standing Committee of the National People's Congress on Issues Concerning the Strengthening of Counterterrorism Work adopted on October 28, 2011, shall be repealed simultaneously.

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