

China's Legal Framework and Measures for Counterterrorism

The State Council Information Office of
the People's Republic of China

January 2024

Contents

Preface

I. An Improving Legal Framework for Counterterrorism

II. Clear Provisions for the Determination and Punishment of
Terrorist Activities

III. Standardized Exercise of Power in Fighting Terrorism

IV. Protection of Human Rights in Counterterrorism Practices

V. Effective Protection of People's Safety and National Security

Conclusion

Preface

Terrorism is the common enemy of humanity, posing a grave threat to international peace and security, and representing a challenge to all countries and all of humanity. All members of the international community share the responsibility to fight it.

Over the decades, the United Nations has led the creation of relevant conventions and other instruments, coordinating member states in their joint efforts to combat terrorism, and bringing such efforts under the rule of law. In response to its call, many countries have actively fulfilled their international obligations by making and enforcing domestic counterterrorism laws and strengthening international cooperation against terrorism. Through unremitting efforts, the international community has gradually established a multitiered framework of legal instruments against terrorism, including international and regional conventions, multilateral and bilateral treaties and agreements, and domestic laws.

As a victim of terrorism, China has long faced its real threat, and has always attached great importance to law-based counterterrorism efforts. It has accumulated experience by concluding or joining international conventions and treaties and amending and improving criminal laws. In the face of new developments in international and domestic terrorism, China has first endeavored to gain a deeper understanding of law-based counterterrorism, summarize its underlying dynamics, and identify appropriate countermeasures. Drawing on foreign experience, China has formulated counterterrorism laws, improved the legal framework, and made consistent application of these laws. These have provided legal safeguards for China's ramped up efforts in combating terrorism.

China has found a path of law-based counterterrorism that conforms to its realities by establishing a sound legal framework, promoting strict, impartial, procedure-based law enforcement, and ensuring impartial administration of justice and effective protection of human rights. It has safeguarded national and public security, protected people's lives and property, and contributed to global and regional security and stability.

I. An Improving Legal Framework for Counterterrorism

Headed by the UN, its specialized agencies, and some other international organizations, the international community has formulated 13 global counterterrorism conventions since the 1960s, demonstrating its position and attitude on counterterrorism.

To strengthen international cooperation and effectively prevent and combat terrorist activities, China has joined or ratified a number of conventions since the late 1970s, including the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Convention for the Suppression of Unlawful Seizure of Aircraft, and Convention for the Unification of Certain Rules for International Carriage by Air. In light of its national conditions, and following constitutional principles, China has drawn on useful experience from the international community and accelerated its efforts to build a domestic counterterrorism legal framework since the 1990s.

– Amending and improving the criminal laws.

Terrorism is viewed by the international community as a serious criminal offense, and is therefore a highlighted target of criminal laws in all countries.

In March 1997, China's National People's Congress (NPC) amended the Criminal Law, adding the crimes of forming, leading, or participating in a terrorist organization, and tightening sanctions for crimes of terrorism.

After the September 11 attacks in the United States in 2001, many countries took prompt and effective measures to combat terrorism. In December the same year, China's NPC Standing Committee adopted Amendment III to the Criminal Law, which consists of eight revisions and additions for improving and clarifying provisions on terrorist activities. One of the additions relates to the crime of financing terrorism. This was part of China's effort to implement UN Security Council Resolution 1373.

At the same time, to sanction money laundering for terrorist activities, China prescribed terrorism as a predicate crime of money laundering. In June 2006, the NPC Standing Committee adopted Amendment VI to the Criminal Law, which further clarifies penalties on money laundering for terrorist activities. In response to new developments and issues in the crime of terrorism, in August 2015 the NPC Standing Committee adopted Amendment IX to the Criminal Law, adding to it the crimes of preparing for terrorist activities, advocating terrorism and extremism, inciting terrorism, and using extremism to undermine law enforcement, while also clarifying relevant charges and penalties.

In 2012 and 2018, the NPC and its Standing Committee amended the Criminal Procedure Law to add provisions on the investigation, prosecution, and trial procedures for crimes of terrorism. The Supreme People's Court and the Supreme People's Procuratorate have independently or jointly formulated and issued a series of judicial interpretations to further standardize the application of law and prosecution procedures for combating crimes of terrorism.

– Making a counterterrorism law.

Since the beginning of the 21st century, a series of horrendous terrorist attacks have occurred around the world. In response, many countries have made their own counterterrorism law, or amended existing laws. In October 2011, to strengthen counterterrorism, safeguard national security, maintain social stability, and protect people's lives and property, the NPC Standing Committee adopted the Decision on Issues Related to Strengthening Counterterrorism Work, which defines the concept of terrorism, the leading state counterterrorism body and its duties, the determination of terrorist organizations and individuals, the publication of lists of these organizations and individuals, and the principles for international cooperation. This laid a solid foundation for subsequent legislation.

Between 2011 and 2014, terrorist attacks hit multiple countries, signaling a resurgence of terrorism worldwide. Forces of terrorism, separatism and extremism, both within and outside China, carried out violent terrorist acts in Xinjiang, Beijing, Yunnan, and other places.

From April 2014, to summarize the experience against crimes of terrorism, improve the counterterrorism mechanism, and curb frequent and widespread acts of violence and terrorism, the leading state counterterrorism body led several other departments in conducting field investigations, research and argumentation, soliciting opinions and suggestions from all parties, and drafting a counterterrorism law. In October 2014, the NPC Standing Committee held the first deliberations on the draft law, published it in full to the public for suggestions, and made revisions. In February and December 2015, it deliberated on the draft law for the second and third rounds to improve it. On December 27, 2015, the NPC Standing Committee adopted the Counterterrorism Law. It is a comprehensive counterterrorism law that defines China's basic principles and stance on counterterrorism. By specifying provisions on the determination of terrorist organizations and individuals, security protection, intelligence information, investigation, response and handling, international cooperation, safeguard measures, and legal liability, it provides a strong legal guarantee for preventing and punishing terrorist activities. In April 2018, the NPC Standing Committee amended the law to further clarify the responsibilities of competent departments and facilitate effective counterterrorism work.

Example 1 Draft Counterterrorism Law Open for Public Comment

Following the first deliberations on the draft counterterrorism law, the Legislative Affairs Commission of the NPC Standing Committee, in accordance with the Legislation Law, published the draft on the NPC website for public comment and distributed it to provincial-level administrative units, relevant central departments, some universities, and legal research institutions for suggestions. Based on the opinions and suggestions solicited, the NPC Standing Committee revised and improved the draft.

– Improving other relevant laws.

China has made consistent efforts to upgrade the counterterrorism provisions of relevant laws to strengthen systematic coordination among different laws, close legal loopholes, improve areas of weakness, and form synergy in counterterrorism practice:

The Anti-Money Laundering Law, adopted in 2006, provides for the prevention and suppression of terrorist financing and related illegal and criminal activities. The National Security Law, adopted in 2015, provides for the fight against terrorism and extremism. The Cybersecurity Law, adopted in 2016, prohibits the use of the internet to advocate terrorism and extremism. The National Defense Law, amended in 2020, provides for the lawful use of armed forces in combating terrorism. The Law on the People's Armed Police, amended in 2020, provides for the People's Armed Police Force to perform the tasks of preventing and responding to terrorist activities. The Law on Safeguarding National Security in the Hong Kong Special Administrative Region enacted in 2020 contains provisions on combating crimes of terrorism in the region and defined the relevant penalties.

– Improving relevant administrative regulations.

The Chinese government has continued to improve counterterrorism provisions of relevant administrative regulations to meet practical counterterrorism needs, strengthen coordination and cooperation among relevant administrative bodies, and define the responsibilities of all parties:

The Administrative Measures for Internet Information Services, adopted in 2000, ban the production, reproduction, publication and distribution of content that spreads terror. The Regulations on Religious Affairs, amended in 2017, stipulate that no organization or individual may use religion to carry out terrorist activities. Regulations on the Protection of Minors in Cyberspace adopted in 2023 ban the production, reproduction, publication and distribution of information online containing content of terrorism and extremism that will damage the physical and mental health of minors.

– Making new local regulations.

After the Counterterrorism Law came into force in 2016, Xinjiang, Zhejiang, Hunan, Shanghai, Sichuan, Fujian, Beijing, and some other localities developed measures on the enforcement of the law within their respective administrative regions in light of local realities and in accordance with the local legislative authority conferred by the Constitution and the Legislation Law. Xinjiang formulated the Regulations of Xinjiang Uygur Autonomous Region on Deradicalization, with detailed work measures and means to make the law more practicable. In addition, some localities added content on strengthening counterterrorism work when formulating local regulations on religious affairs and public security.

– Formulating departmental and local government rules.

To better implement counterterrorism-related laws and regulations and improve counterterrorism work in respective sectors or localities, central departments and local governments have formulated counterterrorism rules that meet their specific needs in accordance with statutory authority and procedures:

In 2014, the People's Bank of China, Ministry of Public Security, and Ministry of State Security formulated the Administrative Measures for the Freezing of Assets Relating to Terrorist Activities, with provisions on the procedures and actions for freezing terrorism-related assets. In 2021, the Qinghai provincial government adopted the Administrative Measures of Qinghai Province for Railway Safety, with provisions on establishing a counterterrorism command and coordination mechanism and building the capacity to guard against possible terrorist attacks.

Relying on more than 40 years of experience, China has gradually formed a counterterrorism legal framework based on the Constitution. With the Counterterrorism Law as the centerpiece and the criminal laws and National Security Law playing major roles and other laws as supplements, it also covers administrative regulations, judicial interpretations, local regulations, and departmental and local government rules.

II. Clear Provisions for the Determination and Punishment of Terrorist Activities

Chinese law has clear provisions for the determination and punishment of terrorist activities. It distinguishes between administrative violations and criminal acts based on the degree of harm they cause, and affixes different legal liabilities accordingly. The criteria for the determination of terrorism-related violations and penalties are stipulated in the Counterterrorism Law, and the criteria for the determination and punishment of terrorist crimes are stipulated in the Criminal Law.

– The concepts of terrorism and terrorist activities are clearly defined. China’s Counterterrorism Law provides concrete and precise definitions of terrorism, terrorist activities, and related concepts, consistent with the principles championed by the international conventions it has entered and concluded, and in agreement with the practices of other countries.

In the Counterterrorism Law, the concept of terrorism encompasses the means, ends and forms, and is defined as propositions or acts that by means of violence, sabotage or intimidation, create social panic, undermine public security, violate personal and property rights, or coerce state agencies and international organizations, to realize political, ideological or other purposes. The Counterterrorism Law defines the nature of terrorist activities and their specific forms, including organizing, planning, preparing for, or conducting acts that cause serious social harm.

The Counterterrorism Law and the Regulations of Xinjiang Uygur Autonomous Region on Deradicalization define the concept of extremism and specific forms of extremist activity, and highlight the link between extremist thought and terrorism.

– The criteria for determining law-breaking terrorist activities are accurately defined. China’s Criminal Law assigns criminal liability only for terrorist activities that inflict grave harm on society. Minor violations of the law that do not constitute crimes instead receive administrative penalties in accordance with the Counterterrorism Law and other relevant laws. The Counterterrorism Law lists terrorist activities that are punishable by administrative penalties issued by public security agencies, including advocating terrorism and extremism or inciting the commission of terrorist and extremist acts. Whether the violations are minor or not is subject to the judgment of judicial and law enforcement agencies, based on whether the activities involve the essential condition of crime. Judicial and law enforcement agencies take into account the motive of the offender, their role in the activities, and the harm caused to society.

<p style="text-align: center;">Example 2 Determination of Law-breaking Terrorist Activities</p>
<p>A suspect surnamed Wan posted on his social media account a video with scenes of bloodshed and violence. The video was forwarded numerous times and generated harmful social impact. It was determined that the video contained illegal</p>

elements advocating terrorism, and should be banned from dissemination. Based on the Counterterrorism Law, a public security agency in Sichuan Province determined that Wan's act constituted a violation of the law by spreading items advocating terrorism.

– The criteria for determining criminal terrorist activities are accurately defined. The criteria are laid out in China's Criminal Law, judicial interpretations, and standards for filing and prosecuting cases. The Criminal Law has clear and specific provisions on the constitutive elements of terrorist crimes in terms of the object and the objective circumstances, and the subject and the subjective circumstances. It strictly distinguishes between crimes and non-crimes, between different crimes, and between punishment for a single crime and for multiple crimes.

Under the principle of legality, no one should be convicted of a terrorist crime for any reason if there are no explicit provisions in law. Judicial agencies have outlined the criteria for determining criminal terrorist activities in detail by issuing judicial interpretations and documents and setting standards for filing and prosecuting criminal cases. The Opinions on Certain Issues Concerning the Application of Law in Handling Criminal Cases Involving Terrorism and Extremism, jointly issued by the Supreme People's Court, the Supreme People's Procuratorate, and other authorities in 2018, specify the quantitative criteria that constitute the crime of illegally possessing materials propagating terrorism or extremism.

Example 3 Determination of Criminal Terrorist Activities

Between 2004 and 2010, a suspect surnamed Bai provided transfer, accommodation, and false identity certification for persons trying to leave China to conduct terrorist activities abroad, with full knowledge of their intentions. Bai's actions had serious consequences. The case was tried in a court in Henan Province, which ruled that Bai's actions constituted the crime of sponsoring terrorist activities, in accordance with the Criminal Law.

– The punishment for law-breaking terrorist activities follows statutory principles. China's law enforcement agencies adhere to the principle of legality in applying administrative penalties in accordance with the Counterterrorism Law, Public Security Administrative Punishment Law, Law on Administrative Penalty, and other relevant laws.

Law enforcement agencies pursue the principle of proportionality to ensure that punishment is appropriate to the facts, nature and circumstances of the offense, and the degree of harm it caused to society.

Law enforcement agencies execute the principle against double punishment to ensure that no person can be subject to more than one administrative fine for the same offense. Should an offense violate several legal provisions that are punishable by multiple fines, the highest of the fines applies.

Law enforcement agencies implement a system of benchmarks for administrative discretion, working out quantitative indexes on the scope, type and extent of discretion in acts of law enforcement and making the information available to the general public. Since 2018, public security agencies in Anhui, Zhejiang, Beijing and Heilongjiang have established and implemented administrative discretion benchmarks to regulate administrative law enforcement against terrorism.

Example 4 Administrative Penalty for Law-breaking Terrorist Activities

A suspect surnamed Zhan posted videos containing scenes of violence and bloodshed on the internet. A public security agency in Fujian Province issued Zhan an administrative penalty in accordance with the Counterterrorism Law.

– Discretionary power in the punishment of criminal terrorist activities is well regulated. In trials of criminal cases involving terrorist activities, people’s courts follow the principle that punishment should be proportionate to the gravity of the crime and the criminal liability involved, and apply the Criminal Law to determine the appropriate punishment for offenders, taking into consideration the facts, nature and circumstances of the offense, and the harm it caused to society.

China’s judiciary has undergone reform to improve and standardize the consistency of sentencing. It has formulated normative documents that provide a complete set of standards for the principles and conditions of exercising discretion and the correct exercise of measures governing applicable law, legal interpretations, and sentencing procedures. These normative documents include the Guiding Opinions of the Supreme People’s Court on Effectively Regulating the Exercise of Discretion in Trials and Enforcement to Ensure the Consistent Application of Law, the Guiding Opinions of the Supreme People’s Court and the Supreme People’s Procuratorate on the Sentencing of Common Crimes (Trial), and the Opinions of the Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice on Issues Concerning the Standardization of Sentencing Procedures. In the adjudication of criminal cases involving terrorist

activities, judicial agencies made consistent efforts to standardize the exercise of discretionary power, striking the right balance between leniency and severity while ensuring that offenses receive due punishment.

Example 5 Punishment for Criminal Terrorist Activities

A defendant surnamed Liu was prosecuted for advocating terrorism. A court in Chongqing found Liu guilty. Taking account of the facts, nature and circumstances of the offense, and the degree of harm it caused to society, the court sentenced Liu to a suspended fixed-term imprisonment and a fine in accordance with the Criminal Law.

III. Standardized Exercise of Power in Fighting Terrorism

Chinese law distinguishes between administrative and criminal offenses that constitute terrorist activity, and stipulates different procedures for their handling. Administrative penalty procedures apply in cases of unlawful terrorist activities, while criminal procedures apply in cases of criminal terrorist activities. The procedures have been regulated in accordance with the law, case management responsibility has been implemented, and external oversight has been strengthened to ensure the standardized and orderly exercise of power in handling terrorist cases.

– Regulating the procedures. Chinese law prescribes the powers and responsibilities of law enforcement and judicial agencies in handling cases. Cases of unlawful terrorist activities are investigated and handled by public security agencies, while cases of criminal terrorist activities are investigated by public security agencies, examined and prosecuted by people’s procuratorates, and tried by people’s courts.

When handling terrorism cases, law enforcement and judicial agencies must exercise their statutory authority and powers to ensure the accurate and effective enforcement of the law. In managing cases, public security agencies should withdraw cases that should not have been filed, and people’s procuratorates have the power to supervise the withdrawal.

When collecting and obtaining evidence, public security agencies should collect evidence both in favor of and against the suspect. Torture and other illegal means are

prohibited in collecting evidence, and evidence obtained by illegal means should be excluded in accordance with the law.

When approving arrests and examining cases for prosecution, people's procuratorates should not warrant an arrest or initiate prosecution if the required conditions are not met.

At the trial stage, people's courts should render a verdict of not guilty if the evidence is insufficient or the act does not constitute a crime.

– Implementing the responsibility for case management. To ensure strict law enforcement, judicial justice, and accountability of the competent authorities, China's law enforcement and judicial agencies have promoted reform of the responsibility system.

With effective trial management and supervision, people's courts have advanced substantive reform in trials, further clarifying their organizational authority and the duties of judges to unify the responsibility for conducting trials and rendering verdicts, and ensure the lawful, independent and impartial exercise of judicial power.

People's procuratorates have built a fair and efficient mechanism for exercising procuratorial power by improving the organization of case management, defining the internal division of authority, and strengthening the judicial responsibility system to ensure the accountability of those who handle cases and make decisions.

Public security agencies have established a case review and approval mechanism that defines the powers of those who handle, review, and approve cases. Information technology is now applied to track and trace the entire process, and to keep these activities within bounds.

With their responsibilities clarified, law enforcement and judicial agencies have put in place a strict accountability system, under which judicial officials who are found to have violated the law in case management will be held accountable and given due punishment; if their acts constitute a crime, they shall be prosecuted for their criminal responsibility. To fully regulate the exercise of power, the reform to standardize the consistency of sentencing has been introduced, a case handling quality assessment system and a performance evaluation and review mechanism have been initiated, case management and guidance have been reinforced, and training has been improved.

– Strengthening external oversight. The powers of law enforcement and judicial agencies are subject to external oversight from people's congresses, the Chinese People's Political Consultative Conference (CPPCC), and the public, as well as to statutory and internal oversight.

People's congresses, as bodies of state power, oversee the work of people's courts and people's procuratorates by hearing their work reports and conducting special inquiries. The CPPCC exercises democratic oversight over law enforcement and

judicial agencies. People’s courts, people’s procuratorates, and public security agencies invite supervision from people’s congresses and the CPPCC, while the public can supervise the work of these agencies in the capacity of people’s assessors and people’s supervisors and by attending hearings.

Example 6 Public Scrutiny over People’s Procuratorates in Case Management

A suspect surnamed Zhang was investigated on suspicion of illegally possessing items advocating terrorism. When examining the case for prosecution, a procuratorate in Anhui Province conducted public hearings to extensively solicit opinions and invite scrutiny.

– Expanding channels of oversight. To prevent abuse of power in law enforcement and judicial matters, channels of oversight have been expanded and public scrutiny has been strengthened through various means, increasing the transparency of law enforcement and justice.

For greater openness, people’s courts have established platforms for the timely release of information on judicial process, judgments, the execution of judgments, and trials. People’s procuratorates have increased transparency by releasing information on their procuratorial activities and affairs and have used information technology to establish platforms for this purpose, including setting up electronic displays and inquiry devices and opening websites and webpages for inquiry. Public security agencies have made their policing and administrative penalty enforcement activities more open and accept scrutiny from citizens and the wider society over law enforcement processes and outcomes. Judicial administrative agencies have ensured transparency in prison affairs, released information on the conditions, procedures and results of law enforcement in prisons, regulated acts of law enforcement by prison officers, and made prison management more standardized and institutionalized under the rule of law.

Example 7 Greater Transparency in Prison Affairs

China’s prison authority has issued a handbook on prison affairs disclosure to promote differentiated release of information to different groups on the basis of protecting privacy for convicts. General information is released to the public for their knowledge, more detailed information is shared with the family of convicts, and complete information is disclosed to law enforcement supervisory agencies.

IV. Protection of Human Rights in Counterterrorism Practices

China respects and protects human rights as an underlying principle in improving its legal framework and practices in the field of counterterrorism. It integrates the punishment of terrorist activities with the protection of human rights. In handling cases involving terrorist offenses and crimes, it gives equal weight to safeguarding the basic rights of citizens, preserving social order, and protecting the rights of victims and interested persons as well as suspects, defendants and convicts.

– Maintaining a safe environment and social order where human rights are guaranteed. Terrorism poses a significant threat to national and public security, and to people’s lives and property. Strengthening counterterrorism measures to prevent and punish terrorist activities in strict accordance with the law is essential in safeguarding human rights. The government has succeeded in curbing the spread of terrorism, protecting citizens’ rights to life, health and property, and maintaining social stability, while taking firm actions to protect the lawful rights and interests of citizens and organizations, and guard against discrimination based on geographical area, ethnic group, or religion.

Example 8 Greater Sense of Public Security
According to the results of the annual national survey on the sense of public security, the proportion of positive answers rose from 87.55 percent in 2012 to 98.62 percent in 2021, sustaining the high level and receiving widespread public acclaim.

– Protecting the rights of victims and interested persons. In responding to terrorist incidents, China prioritizes the personal safety of those who are subject to direct harm and threat, organizes relief and provides medical treatment for victims, and evacuates and relocates potential victims. Following initial response operations, relevant government departments take measures to help individuals and organizations resume normal life and work, restore social order, and relieve public concern in affected areas. These departments offer timely help, provide psychological and medical assistance to victims and their close relatives as appropriate, and guarantee the basic living needs of victims and their close relatives who have lost basic means of life.

Example 9 Assistance for Victims of Terrorism

Following a terrorist incident in Xinjiang Uygur Autonomous Region, relevant departments provided medical aid and psychological evaluation and intervention for victims and organized rehabilitation activities, including psychological counseling and physical exercises, for those impacted. These endeavors aimed to help the victims recover both physical and mental health.

– Protecting personal freedom and dignity. China’s Constitution and laws specify that citizens’ personal freedom and dignity shall not be violated.

When taking compulsory measures that restrain personal freedom, such as detention and arrest, agencies handling cases of terrorism strictly follow the criteria, procedures and time limits prescribed by the law. Public security agencies cannot make arrests without prior approval by people’s procuratorates or decisions by people’s courts. People’s procuratorates have strengthened examination of the need for custody, proposed release or alternative compulsory measures when custody is deemed unnecessary, and precisely implemented the statutory criteria in approving any extension of custody for investigation.

Agencies handling cases of terrorism have abided by the provisions of the Constitution and the law that personal dignity shall not be violated. They have ensured that suspects and defendants are provided with necessary food and rest time and are safe from physical abuse and insults. Interrogations that utilize violence, threats or intimidation, obtainment of evidence through torture, threat, enticement, deceit and other illegal means, and forced self-incrimination are all prohibited. Confessions extorted by torture or other illegal means shall be excluded.

Example 10 Lawful and Prudent Use of Criminal Compulsory Measures

Separate investigations were conducted into five suspects from Xinjiang Uygur Autonomous Region for involvement in a terrorist organization. When examining their case for prosecution, local procuratorates, in accordance with the law, approved the arrest of one suspect who was accused of organizing crimes. The four other suspects were found not to have posed actual harm, and their arrests were rejected.

– Safeguarding the right to defense. Suspects and defendants of terrorist crimes are entitled to a defender from the first interrogation or the day of the enforcement of compulsory measures by investigation agencies. Those eligible for legal aid services are entitled to an appointed attorney as their defender. Judicial and judicial

administrative agencies pilot programs for full coverage of attorneys' defense throughout the stage of examining criminal cases for prosecution, assign defense attorneys to suspects who have no defenders, and expand the scope of criminal legal aid.

To ensure that suspects' and defendants' right to defense is fully realized, judicial agencies have strengthened attorneys' rights to information, application, and petition during proceedings, and their rights to meet with suspects and defendants, consult case files, collect evidence, and take part in inquiry, cross-examination, debate and defense.

Example 11 Protection of Defendants' Right to Defense

During court sessions for a terrorism case in Xinjiang Uygur Autonomous Region, defense attorneys were assigned, in accordance with the law, to three defendants who were accused of organizing, leading and participating in terrorist organizations and had no defenders, with the aim of guaranteeing their right to defense.

– Ensuring the rights to information and participation. Prior to announcing any decisions surrounding administrative penalties for terrorist activities, administrative agencies have a duty to inform the accused of the specifics of punishment, the facts of violations, and the reasons for and basis of punishment, as well as their rights to statement, defense, and a hearing. The facts, explanations and evidence provided by the accused, once verified, must be admitted by administrative agencies.

During investigations of cases involving terrorist crimes, the family of the suspects and defendants must be notified of the enforcement of compulsory measures. In cases where this may hinder an investigation, notification must be issued immediately after the potential risk has passed.

During criminal proceedings involving terrorist crimes, suspects and defendants must be informed of the charges, the specifics of their case, and their rights to apply for an withdrawal, appear before the court, participate in court investigations and debates, and deliver a final statement.

– Protecting the right to legal relief. China's laws protect right of the accused to comprehensive and multichannel legal relief.

Those who have received administrative penalties for terrorism and who disagree with the decision have the right to apply for administrative reconsideration or to bring an administrative lawsuit and entrust attorneys with the legal proceedings.

Those found guilty of terrorist crimes, their authorized defenders, and close relatives have the right to appeal should they disagree with first instance judgments by

local people's courts, and this right shall not be withheld under any pretext. Those convicted have the right to appeal against judgments and rulings that are already legally effective. Should an appeal comply with statutory conditions, people's courts and people's procuratorates must institute trial supervision procedures and remand the case for retrial by the original people's court.

Those whose rights and interests have been damaged through wrongful administrative penalties or criminal penalties have the right to claim state compensation as provided by law.

– Safeguarding the right to court proceedings in ethnic spoken and written languages. China's Constitution and laws grant citizens of all ethnic groups the right to use their own language in court proceedings.

Judicial agencies are required to provide interpreting and translation services in terrorism cases for any party to court proceedings who has little knowledge of the spoken and written languages commonly used in the locality.

In areas where people of one ethnic group live in compact communities or multiple ethnic groups live together, court hearings must be conducted in the spoken language commonly used in the locality, while judgments, notices and other documents shall be issued in the written language commonly used in the locality. In ethnic autonomous areas, people's courts and people's procuratorates shall handle cases in the commonly used local language and be reasonably equipped with personnel proficient in local ethnic spoken and written languages, while legal documents shall be written in the commonly used local language or languages as appropriate.

Example 12 Protection of the Right to Court Proceedings in Ethnic Languages
<p>In a violent terrorism case in Xinjiang Uygur Autonomous Region, the suspects, defendants, and victims and their immediate relatives were from multiple ethnic groups and used multiple ethnic languages. Throughout court proceedings, interpreters and translators were assigned to interpret for parties concerned during court sessions and translate legal documents, thereby guaranteeing the right to proceedings in ethnic spoken and written languages for those involved in the case.</p>

– Ensuring the legitimate rights and interests of convicts. China's laws specify that convicts' personal dignity, personal safety, lawful properties, and the right to defense and appeal, and the right to submit complaints and accusations, along with other rights that have not been deprived or restricted by law, shall not be violated.

Enforcement agencies respect the personal dignity of those convicted of terrorism and defend their legitimate rights and interests. People's procuratorates exercise

supervision over the execution of criminal punishments. Convicts who disagree with legally effective verdicts have the right to petition, and enforcement agencies must handle convicts' complaints and accusations without delay or transfer these materials to the relevant agencies, and inform the complainants and accusers of the results.

During incarceration, convicts are entitled to correspondence and meetings with their relatives, attorneys and others. To ensure prisoners receive timely medical treatment, prisons are equipped with medical facilities to provide in-prison treatment, and prisoners are permitted to be transferred outside prison for medical treatment or be released on medical parole if necessary.

Following the principle of combining punishment and reform, with emphasis on the latter, prisons provide cultural, legal and technical education to increase offenders' knowledge, skills and employability, while special efforts are made to prevent offenders of terrorist crimes from reoffending.

In handling cases of commutation and parole, enforcement agencies and people's courts strictly follow statutory procedures and criteria. Enforcement agencies make recommendations to the people's courts, which can grant commutation or parole where eligible. People's procuratorates exercise supervision over these decisions.

V. Effective Protection of People's Safety and National Security

China carries out counterterrorism work in accordance with the law. By balancing security and stability with social development, it continues to increase its capacity to prevent and combat terrorism and eradicate its ideological foundation. China has thus heightened the people's sense of security, defended national security, and contributed to regional and global security and stability.

– Increasing capacity to prevent and combat terrorism. On an increasingly sound legal base, China continues to improve its security management systems in relevant fields, including transport, logistics, and hazardous goods. It actively promotes improved terrorism prevention standards in key sectors and localities, formulates or revises counterterrorism contingency plans, and strengthens drills accordingly, thereby

improving prevention and control to maintain public security. By encouraging and supporting scientific research and technological innovation, developing and popularizing new technical devices, and applying them to training and actual work, China continues to increase its scientific and technological capacity to counter terrorism and effectively tackles the challenges posed by new technologies and business forms, including artificial intelligence, encrypted communication, and virtual currency.

Apart from specialized efforts, China also relies on the public in working to counter terrorism. It conducts extensive public education on campuses and in workplaces and residential communities, and has distributed counterterrorism booklets such as *A Citizen's Handbook on Counterterrorism* to the general public. It incentivizes people to report terrorism-related activities to the authorities, and continues to improve societal awareness of public security and the public's ability to respond to emergent incidents of violence and terrorism.

Example 13 Building a System of Terrorism Prevention Standards

China is engaged in establishing standards for the prevention of terrorism in key sectors, including transport, water, electricity, oil, gas, heating, nuclear facilities, nuclear technology, media facilities, hazardous chemicals, biosecurity, and national strategic reserves. To date, the Ministry of Public Security has released 37 terrorism prevention standards for the public security sector and local authorities have issued hundreds of standards. These standards serve as the basis for establishing personnel, physical and electronic protection systems, and facilitate the synchronous design, development and operation of corresponding equipment and facilities for key targets.

– Balancing security and stability with social development. Since 2014, China has continued to take tough action against violent terrorism and punish criminals who have plotted terrorist activities. It has foiled most terrorist schemes in the making, effectively safeguarding national security and social stability, and markedly improving people's sense of security.

Counterterrorism efforts are the anchor of security and stability. Security and stability enable development, which in turn further consolidates security and stability. In Xinjiang, a key focal point for China's counterterrorism efforts, urban residents' per capita disposable income increased from RMB19,019 in 2012 to RMB38,410 in 2022, while the per capita disposable income of rural residents rose from RMB6,876 to RMB16,550. By the end of 2020, all 3.06 million individuals living in rural areas below the poverty line had emerged from poverty, and poverty had been eradicated from all 3,666 villages and 35 counties that were previously impoverished. In 2023, Xinjiang

received 265.44 million tourists, representing a year-on-year increase of 117 percent and setting a new record for the number of visiting tourists. Xinjiang's total income from tourism in 2023 was RMB296.7 billion, a growth of 227 percent on the previous year. The autonomous region is now a leading tourist destination, with tourism acting as a pillar industry that boosts employment opportunities and enriches the lives of local people.

– Eradicating the ideological foundation of terrorism. While striking hard at unlawful and criminal terrorist activities, China attaches greater importance to the education and rehabilitation of victims of extremist teachings who have committed only minor offenses. For people falling under different levels of extremist influence, relevant government departments, women's associations and other social organizations, religious groups, schools, and families collaborate to offer targeted intervention measures, in order to protect them from further harmful impact.

Religious extremism is not religion. It distorts religious doctrines to spread violent and radical ideas and cause serious disruption to normal religious activities. Influenced and controlled by religious extremism, some people have engaged in, or have been instigated, coerced, or enticed to engage in terrorist activities.

Following the principles of protecting the lawful, banning the unlawful, containing extremism, resisting infiltration, and combating crimes, China protects citizens' freedom of religious belief, ensures the normal practice of religious activities, and makes consistent law-based efforts in deradicalization. It has succeeded in containing the influence and spread of religious extremism.

The public has developed a stronger awareness of the rule of law and realized the harm that religious extremism causes, while their abilities to distinguish between right and wrong, and to resist the penetration of religious extremism have greatly strengthened.

– Contributing to global and regional security and stability. By combating domestic terrorist activities, strengthening border and port of entry control, and stopping the cross-border movement of terrorists, China has effectively curbed the spread of terrorism. In accordance with its own laws and the international conventions it has entered or concluded, China actively cooperates in international counterterrorism on the basis of equality and mutual benefit. It is committed to the vision of a global community of shared future, supports the UN's leading and coordinating role in international cooperation on counterterrorism, abides by the UN Charter and other well-recognized international laws, and backs the counterterrorism resolutions adopted by the UN Security Council. It has joined 12 global counterterrorism conventions and actively fulfills its obligations in fighting terrorism.

China advocates regional cooperation to counter terrorism. Under the framework of the Shanghai Cooperation Organization (SCO), it has facilitated the formulation of documents such as the Shanghai Convention on Combating Terrorism, Separatism and Extremism and the SCO Member States Agreement on Border Defense Cooperation, and participated in judicial cooperation and joint counterterrorism exercises, playing an important role in maintaining international and regional security and stability. By establishing cooperation mechanisms with dozens of countries and between law-enforcement departments to combat terrorism in border areas, it has engaged in pragmatic exchanges and cooperation in intelligence, border control, and investigation and handling of cases, and cut off funds for terrorism.

Conclusion

Different paths can lead to the same end, and consensus can be reached despite varied concerns. Counterterrorism must be on the right side of the rule of law, a principle widely acknowledged by the international community. Due to different political systems, legal institutions, and cultural traditions, different countries are confronted with different forms and manifestations of terrorism, and are thus applying different legal practices in combating terrorism.

China's counterterrorism legal framework has improved over the past four decades, aligning China's rule of law essentials with international counterterrorism principles. The legal framework in place works well both in preventing and punishing terrorist activities, and in respecting and protecting human rights. It conforms to China's realities and international norms, and has yielded satisfactory and practical results.

Regrettably, some countries often disregard others' right to choose their own path of counterterrorism under the rule of law. These countries impose their own will upon others and pass judgment on them. They even interfere in others' internal affairs, and infringe on their national sovereignty under the pretext of defending the rule of law and human rights. These actions have severely hampered the global effort to fight against terrorism under the rule of law, weakened the foundations of cooperation, and reduced operational effectiveness.

Counterterrorism approaches by individual countries that champion the common values of humanity, comply with the norms and principles of the United Nations, and conform to their own national conditions and legal institutions, are all part of the global effort to combat terrorism under the rule of law. In fighting terrorism, the international

community should support diverse law-based actions, reject double standards, and oppose the politicization of related issues.

Upholding the vision of a global community of shared future, China is willing to work closely with other countries to push forward counterterrorism cause as part of global governance. On the basis of equality and respect, China will engage in extensive exchanges, cooperation, and mutual learning to facilitate the global effort to counter terrorism.