

TAB 2

STATE SECURITY LAW (P.R.C.)

Zhong hua ren min gong he guo guo jia an quan fa

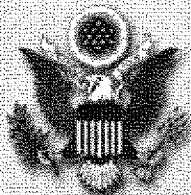
Article 4: Any organization or individual that has committed any act endangering the State security of the People's Republic of China shall be prosecuted according to law.

"Act endangering State security" as referred to in this Law means any of the following acts endangering the State security of the People's Republic of China committed by institutions, organizations or individuals outside the territory of the People's Republic of China, or, by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or, by organizations or individuals within the territory in collusion with institutions, organizations or individuals outside the territory:

- (1) plotting to subvert the government, dismember the State or overthrow the socialist system;
- (2) joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- (3) stealing, secretly gathering, buying, or unlawfully providing State secrets;
- (4) instigating, luring or bribing a State functionary to turn traitor; or
- (5) committing any other act of sabotage endangering State security.

Article 18: When a State security organ investigates and finds out any circumstances endangering State security and gathers related evidence, citizens and organizations concerned shall faithfully furnish it with relevant information and may not refuse to do so.

SOURCE: THE CONGRESSIONAL-EXECUTIVE COMMITTEE ON CHINA



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State Security Law of the People's Republic of China

CHAPTER I GENERAL PROVISIONS

CHAPTER II FUNCTIONS AND POWERS OF THE STATE SECURITY ORGANS IN THE WORK OF STATE SECURITY

CHAPTER III DUTIES AND RIGHTS OF CITIZENS AND ORGANIZATIONS IN SAFEGUARDING STATE SECURITY

CHAPTER IV LEGAL LIABILITY

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 1 This Law is formulated in accordance with the Constitution of the People's Republic of China for the purpose of safeguarding State security, protecting the State power of the people's democratic dictatorship and the socialist system, and ensuring the smooth progress of reform, opening-up, and the socialist modernization drive.

Article 2 The State security organs, as stipulated by this Law, are the competent authorities in charge of State security.

The State security organs and the public security organs shall, in accordance with the division of functions and powers as prescribed by the State, attend to their respective duties, and closely cooperate with each other so as to safeguard State security.

Article 3 Citizens of the People's Republic of China shall have the duty to safeguard the security, honour and interests of the State, and must not commit any act endangering the security, honour or interests of the State.

All State organs, armed forces, political parties, public organizations, enterprises and institutions shall have the duty to safeguard the security of the State.

The State security organs, in the work of State security, must rely on the people's support, and shall mobilize and organize the people to prevent and check any act endangering the security of the State.

Article 4 Any organization or individual that has committed any act endangering the State security of the People's Republic of China shall be prosecuted according to law.

"Act endangering State security" as referred to in this Law means any of the following acts endangering the State security of the People's Republic of China committed by institutions, organizations or individuals outside the territory of the People's Republic of China, or, by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or, by organizations or individuals within the territory in collusion with institutions, organizations or individuals outside the territory:

- (1) plotting to subvert the government, dismember the State or overthrow the socialist system;
- (2) joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- (3) stealing, secretly gathering, buying, or unlawfully providing State secrets;
- (4) instigating, luring or bribing a State functionary to turn traitor; or
- (5) committing any other act of sabotage endangering State security.

Article 5 The State shall protect organizations and individuals that have rendered support or assistance in safeguarding State security, and reward those who have made significant contributions to the maintenance of State security.

CHAPTER II FUNCTIONS AND POWERS OF THE STATE SECURITY ORGANS IN THE WORK OF STATE SECURITY

Article 6 The State security organs shall exercise, in the work of State security, the functions and powers of investigation, detention, preliminary examination and execution of arrest according to law and other functions and powers as stipulated by the law.

Article 7 Any functionary of a State security organ, when carrying out according to law a task for State security and upon producing an appropriate certificate, shall have the right to examine the identification certificate of any Chinese citizen or any person from outside the territory of the People's Republic of China; and shall have the right to investigate or inquire about relevant matters from any organization or individual concerned.

Article 8 Any functionary of a State security organ may, when carrying out a task for State security, enter any interested site upon producing an appropriate certificate, and may, in accordance with the relevant provisions of the State, with approval and upon producing an appropriate certificate, enter interested restricted areas, sites or units; and may have access to related files, materials and articles for examination.

Article 9 Any functionary of a State security organ may, when carrying out an urgent task according to law, have the priority in taking means of public transport upon producing an appropriate certificate, and have the right of way in case of a traffic block.

As necessitated by the maintenance of State security, a State security organ may, when necessary and in accordance with the relevant provisions of the State, have priority in use of any means of transport or communication, site or building belonging to any organ, organization, enterprise, institution or

TAB 3

CRIMINAL LAW (P.R.C.)

Zhong hua ren min gong he guo xing fa

Article 105: Among those who organize, plot or carry out the scheme of subverting the State power or overthrowing the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 277: Whoever by means of violence or threat, obstructs a functionary of a State organ from carrying out his functions according to law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

Whoever by means of violence or threat, obstructs a deputy to the National People's Congress or a deputy to a local people's congress at any level from carrying out his functions as a deputy according to law shall be punished in accordance with the provisions of the preceding paragraph.

Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

Whoever intentionally obstructs officers of a State security organ or a public security organ from maintaining State security in accordance with law and causes serious consequences, though without resort to violence or threat, shall be punished in accordance with the provisions of the first paragraph.

SOURCE: THE CONGRESSIONAL-EXECUTIVE COMMITTEE ON CHINA



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Criminal Law of the People's Republic of China

(Adopted at the Second Session of the Fifth National People's Congress on
July 1, 1979, Revised at the Fifth Session of the Eighth National People's
Congress on March 14, 1997)

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participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever incites others to split the State or undermine unity of the

country shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; the ringleaders and the ones who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 104 Among those who organize, plot or carry out armed rebellion or armed riot, the ringleaders and the others who commit major crimes

shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be

sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever instigates, coerces, lures or bribes State functionaries or members of the armed forces, the people's police or the people's militia to commit armed rebellion or armed riot shall be given a heavier punishment according to the provisions in the preceding paragraph.

Article 105 Among those who organize, plot or carry out the scheme of subverting the State power or overthrowing the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 106 Whoever commits the crime as prescribed in Article 103, 104 or 105 of this Chapter in collusion with any organ, organization or individual outside the territory of China shall be given a heavier punishment according to the provisions stipulated in these Articles respectively.

Article 107 Where an organ, organization or individual inside or outside of the territory of China provides funds to any organization or individual within the territory of China to commit the crime as prescribed in Article 102, 103, 104 or 105, the person who is directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 108 Whoever defects to the enemy and turns traitor shall be sentenced

Article 276 Anyone who, for purposes of giving vent to spite or retaliating or out of other personal motives, destroys or damages machines or equipment, cruelly injures or slaughters farm animals or sabotages production and business operation by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

CHAPTER VI CRIMES OF OBSTRUCTING THE ADMINISTRATION OF PUBLIC ORDER

SECTION 1 CRIMES OF DISTURBING PUBLIC ORDER

Article 277 Whoever by means of violence or threat, obstructs a functionary of a State organ from carrying out his functions according to law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

Whoever by means of violence or threat, obstructs a deputy to the National People's Congress or a deputy to a local people's congress at any level from carrying out his functions as a deputy according to law shall be punished in accordance with the provisions of the preceding paragraph.

Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

Whoever intentionally obstructs officers of a State security organ or a public security organ from maintaining State security in accordance with law and causes serious consequences, though without resort to violence or threat, shall be punished in accordance with the provisions of the first paragraph.

Article 278 Whoever incites people to resist by violence the implementation of the laws and administrative rules and regulations of the State shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 279 Whoever impersonates a functionary of a State organ to go about and deceive people shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever impersonates a people's policeman to go about and deceive people shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

Article 280 Whoever forges, alters, buys, sells or steals, forcibly seizes or destroys the official documents, certificates or seals of a State organ shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.