

# Martial Law of the People's Republic of China

(Adopted at the 18th Meeting of the Standing Committee of the Eighth National People's Congress on March 1, 1996 and promulgated by Order No. 61 of the President of the People's Republic of China on March 1, 1996)

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### Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution of the People's Republic of China.

Article 2 The State may decide to apply martial law when such state of emergency as unrest, rebellion or grave riot occurs which seriously endangers unification and security of the State or public security and under which public order cannot be maintained and safety of people's lives and property cannot be ensured unless extraordinary measures are taken.

Article 3 When it is necessary to impose martial law in the country as a whole or in an individual province, autonomous region or municipality directly under the Central Government, the matter shall be submitted by the State Council to the Standing Committee of the National People's Congress for decision; the President of the People's Republic of China shall, in accordance with the decision made by the Standing Committee of the National People's Congress, proclaim the order of martial law.

When it is necessary to impose martial law in part(s) of a province, autonomous region or municipality directly under the Central Government, the matter shall be decided on by the State Council, and the Premier of the State Council shall proclaim the order of martial law.

Article 4 In order to guarantee execution of martial law and preserve public security and public order during the period of martial law, the State may, in accordance with this Law, lay down special rules and regulations regarding the citizens' exercising of their rights and freedom as stipulated by the Constitution and laws in the area under martial law.

Article 5 The people's government of the area under martial law shall, in conformity with this Law, adopt measures necessary for bringing public order to normal as soon as possible and ensuring safety of people's lives and property and supply of their daily necessities.

Article 6 All organizations and individuals in the area under martial law shall strictly observe the order of martial law and the rules and regulations for executing the order of martial law and actively assist the people's government in bringing public order to normal.

Article 7 With regard to the organizations and individuals that observe the order of martial law and the rules and regulations for executing the order of martial law, the State adopts effective measures to protect their lawful rights and interests from encroachment.

Article 8 Martial law tasks shall be performed by the People's Police and the People's Armedpolice. When necessary, the State Council may make a suggestion to the Central Military Commission that it decide to dispatch troops of the People's Liberation Army to help perform the martial law tasks.

### Chapter II Execution of Martial Law

Article 9 The State Council shall organize execution of martial law in the country as a whole or in an

individual province, autonomous region or municipality directly under the Central Government.

The people's government of a province, autonomous region or municipality directly under the Central Government shall organize execution of martial law in part(s) of the province, autonomous region or municipality directly under the Central Government; when necessary, the State Council may directly organize the execution thereof.

The organ that organizes execution of martial law is referred to as martial-law-executing organ.

Article 10 The martial-law-executing organ shall set up a martial law command, which shall coordinate actions taken by the units concerned to fulfill martial law tasks and shall work out unified plans and measures for enforcing martial law.

The units of the People's Liberation Army assigned with martial law tasks shall, in carrying out the unified plans of the martial law command, be directed by a military organ designated by the Central Military Commission.

Article 11 In an order of martial law such matters as the territorial scope under the martial law, the time the martial law begins to be enforced and the organ that executes it shall be stipulated.

Article 12 As soon as the state of emergency as cited in Article 2 of this Law, for which martial law is enforced, is eliminated, the martial law shall be lifted.

The procedure for lifting the martial law is the same as the procedure for deciding to impose it.

### Chapter III Measures for Executing Martial Law

Article 13 During the period of martial law, the martial-law-executing organ may decide to take the following measures in the area under martial law and may also adopt specific execution methods:

- (1) to ban or restrict assembly, procession, demonstration, street speeches, and other mass activities;
- (2) to ban strikes of workers, shop assistants and students;
- (3) to impose press embargo;
- (4) to enforce control over communications, postal services and telecommunications;
- (5) to enforce control over entry into and exit from the country; and
- (6) to ban any activities against the martial law.

Article 14 During the period of martial law, the martial-law-executing organ may decide on measures to impose traffic control in the area under martial law, restricting entry and exit of the area under traffic control and checking the papers, vehicles and other things of people entering or leaving such an area.

Article 15 During the period of martial law, the martial-law-executing organ may decide to impose a curfew in the area under martial law. During the curfew, people passing through the streets or other public places in the area under curfew must carry their identification papers and special passes issued by the martial-law-executing organ.

Article 16 During the period of martial law, the martial-law-executing organ or the martial law command may adopt special measures to control the following things in the area under martial law:

- (1) weapons and ammunition;
- (2) knives under control;
- (3) inflammable or explosive goods; and
- (4) hazardous chemicals, radioactives, deadly poisons, etc.

Article 17 Where it is necessary for fulfilling tasks of martial law, the people's government at or above the county level in the area under martial law may temporarily requisition houses, places, facilities, means of transport, engineering machinery, etc. of State organs, enterprises, institutions, public organizations and individual citizens. Under conditions of unusual emergencies, on-the-spot commanders of the People's Police, the People's Armed-police and the People's Liberation Army may make immediate decisions on temporary requisition of things, and the local people's government shall give assistance. A receipt of the things requisitioned shall be made out.

The things temporarily requisitioned, as prescribed in the preceding paragraph, shall be returned to the owner immediately after their use or after the martial law is lifted. The things that are damaged shall be compensated, as appropriate, by the people's government at or above the county level in accordance with relevant regulations of the State.

Article 18 During the period of martial law, measures shall be taken to mount rigid guard over the following units and places in the area under martial law.

- (1) headquarters;
- (2) military organs and key military facilities and installations;
- (3) foreign embassies and consulates in China, representative agencies of international organizations in China and guest houses for leaders of foreign countries;
- (4) important mass media such as broadcasting stations, television stations and national news agencies, and the important facilities thereof;
- (5) public utility enterprises and public facilities that have a vital bearing on the national economy and the people's livelihood;
- (6) airfields, railway stations and ports;
- (7) prisons, places of reform through labor and houses of detention; and
- (8) other units and places that need rigid guard.

Article 19 In order to guarantee supply of the basic daily necessities of the people in the area under martial law, the martial-law-executing organ may take special measures to control the production, transport, supply and pricing of such necessities.

Article 20 The martial-law-executing organ shall make known to the public the steps and measures which it adopts in accordance with this Law for executing the martial law and which it requires the public to abide by. In the course of executing the martial law, where conditions allow discontinuance of such steps and measures, the organ shall promptly declare discontinuance of their enforcement.

#### Chapter IV Functions and Duties of Martial-law-enforcing Officers

Article 21 Martial-law-enforcing officers are members of the People's Police, the People's Armed-police and the People's Liberation Army, who are assigned with tasks of enforcing the martial law.

When performing martial law tasks, martial-law-enforcing officers shall wear uniform insignias as required by the martial-law-executing organ.

Article 22 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to check the papers, vehicles and other things of people in the streets or other public places in the area under martial law.

Article 23 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to detain people who violate the regulations on curfew until the end of the curfew in early morning; they shall also have the right to search the person of the detainees and check the things they carry.

Article 24 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to detain the following persons immediately:

- (1) persons who are committing an offense that endangers State security or disrupts public order or who are strongly suspected of such an offense;
- (2) persons who obstruct or resist performance of martial law tasks by martial-law-enforcing officers;
- (3) persons who defy traffic control or regulations on curfew; and
- (4) persons who engage in other activities against the order of martial law.

Article 25 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to search the person of the detainees and to search the houses of criminal suspects and the places where criminal offenders, criminal suspects or weapons, ammunition and other dangerous articles are suspected of being concealed.

Article 26 When the martial-law-enforcing officers fail to prevent the following persons from engaging in mass activities in the area under martial law, they may, in accordance with relevant regulations, use police implements to stop or disperse them, and forcibly take the organizers and the persons who refuse to obey away from the scene or detain them immediately:

- (1) persons who engage in unlawful assembly, procession, demonstration or other mass activities;
- (2) persons who illegally occupy public places or incite destructive activities in public places;
- (3) persons who attack State organs or other important units and places;
- (4) persons who disrupt traffic order or deliberately create traffic jams; and
- (5) persons who plunder or destroy the property of State organs, public organizations, enterprises, institutions or individual citizens.

Article 27 The martial-law-enforcing officers shall have the persons, whom they have detained in accordance with the provisions of this Law, immediately registered and interrogated and shall release the ones as soon as they find that there is no need to detain them any longer.

During the period of martial law, the procedures and time limit for detention and arrest may be free from the restrictions of the relevant provisions of the Criminal Procedure Law of the People's Republic of China, except that an arrest shall be subject to approval or decision of a People's Procuratorate.

Article 28 The martial-law-enforcing officers may, under any of the following unusual emergencies that occurs in the area under martial law, use guns or other weapons when they cannot stop it simply with police implements:

- (1) when the safety of the lives of citizens or martial-law-enforcing officers are endangered by violence;
- (2) when persons subject to detention or arrest or offenders under escort resort to violence in resistance, commit physical assault or try to escape;
- (3) when persons use violence to seize weapons and ammunition;
- (4) when important objects under guard are assaulted by violence or are in imminent danger of being assaulted by violence;
- (5) when, in the course of fighting a fire, rushing to deal with an emergency, rescuing people or performing other major urgent tasks, they are obstructed by extreme violence; or
- (6) other circumstances under which guns and other weapons may be used in accordance with the provisions of laws and administrative rules and regulations.

Martial-law-enforcing officers must strictly observe the regulations on the use of guns and other weapons.

Article 29 Martial-law-enforcing officers shall observe laws, regulations, and rules governing performance of duties, obey orders, fulfill their functions and duties and respect the local ethnic customs and habits, and they shall not infringe upon or harm the lawful rights and interests of citizens.

Article 30 Acts of martial-law-enforcing officers for performing their tasks in accordance with law shall be protected by law.

Martial-law-enforcing officers who, in violation of the provisions of this Law, abuse their powers and infringe upon and harm the lawful rights and interests of citizens, shall be investigated for legal responsibility in accordance with law.

#### Chapter V Supplementary Provisions

Article 31 When a grave riot suddenly breaks out in part(s) of an individual county or city that seriously endangers State security, public security and safety of people's lives and property and when the State has not yet made a decision on imposing martial law there, the local people's government at the provincial level may, subject to approval of its report by the State Council, make a decision on organizing the People's Police and the People's Armed-police to exercise traffic control and control over the scene, restricting people's entry and exit of the area under control, and checking the papers, vehicles and other things of persons who enter or leave the area under control, and the People's police and the People's Armed-police may forcibly disperse the participants in the riot, take them away from the scene and search them and they may immediately detain the organizers and the persons who refuse to obey them. When the forces of the People's Police and the People's Armed-police are not enough to maintain public order, the matter may be reported to the State Council, and the State Council may make a suggestion to the Central Military Commission that it decide to dispatch troops of the People's Liberation Army to help the local people's government restore and maintain normal public order.

Article 32 This Law shall go into effect as of the date of its promulgation.

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