

# Rules for Implementation of the State Security Law of the People's Republic of China

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Chapter I General Provisions

**Article 1** These Rules are formulated in accordance with the State Security Law of the People's Republic of China (hereinafter referred to as the State Security Law).

**Article 2** The State security organs shall be in charge of the implementation of these Rules.

When the public security organs carry out tasks for State security in accordance with the provisions of Paragraph 2 , Article 2 of the State Security Law , the relevant provisions of these Rules shall apply.

**Article 3** The "institutions or organizations outside the territory" as referred to in the State Security Law shall include the branches (representatives) established within the territory of the People's Republic of China by the institutions or organizations outside the territory;

The "individuals outside the territory" shall include those persons who reside in the People's Republic of China but without the nationality of

the People's Republic of China.

**Article 4** The "espionage organization's agent" as referred to in the State Security Law means a person instigated, entrusted or financed by an espionage organization or by its member to commit, or incite and instigate other persons to commit, acts endangering the State security of the People's Republic of China.

The Ministry of State Security of the People's Republic of China (hereinafter referred to as the Ministry of State Security) shall be in charge of the identification of the espionage organizations and their agents.

**Article 5** The "hostile organization" as referred to in the State Security Law means an organization which is hostile to the State power of the people's democratic dictatorship and socialist system of the People's Republic of China and endangers the State security.

The Ministry of State Security or the Ministry of Public Security of the People's Republic of China shall be in charge of the identification of the hostile organizations.

**Article 6** Giving "financial support" for acts endangering the State security as referred to in Article 4 of the State Security Law means the following acts committed by institutions, organizations or individuals outside the territory:

- (1) Providing funds, sites or materials to organizations or individuals within the territory who are engaged in acts endangering the State Security;
- (2) Providing funds, sites or materials to organizations or individuals within the territory for use in committing acts endangering the State security.

**Article 7** Being "in collusion with..." in committing acts endangering the State security as referred to in Article 4 of the State Security Law means the following acts committed by organizations or individuals within the territory:

- (1) Plotting or committing acts endangering the State security jointly with institutions, organizations or individuals outside the territory;
- (2) Accepting financial support or instigation from institutions, organizations or individuals outside the territory for committing acts endangering the State security;
- (3) Establishing contacts with and obtaining support and assistance from institutions, organizations or

individuals outside the territory for committing acts endangering the State Security.

**Article 8** The following shall fall into "other sabotage acts endangering the State security" as referred to in Article 4 of the State Security Law:

- (1) Organizing, plotting or committing terrorist acts endangering the State security;
- (2) Committing acts endangering the State security by fabricating or distorting facts, or publishing and spreading writings and opinions, or manufacturing and distributing audio and video products;
- (3) Committing acts endangering the State security through setting up social organizations or enterprises or institutional organizations;
- (4) Committing acts endangering the State security by making use of religion;
- (5) Committing acts endangering the State security by fomenting disputes among ethnic groups or inciting national separatism;
- (6) Any person outside the territory who, in violation of relevant regulations and without paying heed to dissuasion, willfully meets with any person within the territory having committed acts endangering the State security or being strongly suspected of doing so.

## Chapter II Functions and Powers of the State Security Organs in the Work of State Security

**Article 9** The Ministry of State Security may decide not to allow any person outside the territory, who is regarded as likely to commit acts endangering the State security of the People's Republic of China after entering the territory, to enter the territory for a certain period of time.

**Article 10** The State security organs may, in accordance with the provisions of Article 6 of the State Security Law, list as wanted and pursue and capture the criminals having betrayed the country and endangering the State security.

**Article 11** The functionary of a State security organ may, when carrying out according to law a task for State security, inspect the articles brought by any unidentified and suspicious person who could commit acts endangering the State security.

**Article 12** The vehicles of the State security organs may, when used to carry out an urgent task for State security, be fitted out with a special pass symbol as well as a warning lamp and an alarm.

**Article 13** The State security organs may, when finding during inspection any electronic communication instruments

and appliances and other related equipment and installations not in conformity with the requirements for safeguarding the State security, order the organization or individual concerned, according to the provisions of Article 11 of the State Security Law, to subject all the above-mentioned to a technological treatment; in case the organization or individual refuses or is unable to undertake such a treatment, the State security organs may seal them up for safekeeping or withhold them, and handle them in accordance with the provisions of relevant laws and administrative regulations.

**Article 14** The functionary of a State security organ shall not be interfered unlawfully by any other organization or individual in his or her acts to carry out according to law a task for State Security.

The functionary of a State security organ shall, when carrying out according to law a task for State security, produce a reconnaissance certificate issued by the Ministry of State Security or other appropriate certificates.

The State security organs and their functionaries shall, in their work for State security, act strictly according to law, and refrain from overstepping or abusing their powers and infringing upon the lawful rights and interests of any organization or person.

### Chapter III Duties and Rights of Citizens and Organizations in Safeguarding State Security

**Article 15** Organs, organizations and other institutions shall accept coordination and guidance from the State security organs in their work to educate their personnel with regard to the maintenance of State security, and mobilize and organize them to prevent and check acts endangering the State security.

**Article 16** Where any citizen finds an act endangering the State security and reports it to his or her unit, the latter shall timely report it to a state security organ or a public security organ without delay.

**Article 17** Citizens and organizations providing support and assistance for the State security work shall have the right to ask the State security organs and public security organs to take effective measures to prevent or check any act infringing upon their lawful rights and interests.

**Article 18** The following shall fall into the "significant contribution" as referred to in Article 5 of the State Security Law:

(1) Providing important clues to the State security organs for finding and cracking of criminal cases seriously endangering the State security;

(2) Providing important information about circumstances to the State security organs for preventing or checking the occurrence of acts seriously endangering the State security;

(3) Cooperating closely with the State security organs in carrying out tasks for State security, and showing outstanding merit in doing so;

(4) Struggling against the criminals endangering the State security in order to safeguard the State security, and showing outstanding merit in doing so;

(5) Having outstanding achievements in educating, mobilizing and organizing the personnel of one's own unit to prevent or check the occurrence of acts endangering the State security.

**Article 19** The expression "unlawfully hold any document, material or other articles categorized as State secrets" as referred to in Article 20 of the State Security Law means the following:

(1) A person who is not entitled to know a certain State secret is found to bring with him or her or store up any document, material or other articles pertaining to that State secret;

(2) A person though entitled to know a certain State secret is found, without going through any necessary formalities, to privately bring with him or her or store up any document, material or other articles pertaining to that State secret.

**Article 20** The term "special equipment or devices for espionage activities" as referred to in Article 21 of the State Security Law means the following equipment or devices specially for espionage activities:

(1) Hidden eavesdropping device or camera;

(2) Burst transceiver, one-shot pad for cipher code, or secret writing devices;

(3) Electronic surveillance and intercepting devices specially used for acquiring intelligence;

(4) Other special espionage equipment or devices.

The Ministry of State Security shall be in charge of the identification of any special espionage equipment and devices.

#### Chapter IV Legal Liability

**Article 21** The State security organs may seal up, withhold or freeze the instruments and other properties used for committing acts endangering the State security, as well as the funds, sites and materials as referred to in Article 6 of these Rules; the instruments and other properties thus sealed up, withheld or frozen shall, upon different circumstances, be either confiscated by the State security organs or transferred to judicial organs for disposal according to law.

The properties confiscated by the State security organs shall all be turned over to the State Treasury.

The properties acquired through divulging State secrets shall be treated in accordance with the provisions of Article 34 of the Measures for Implementation of Law on Guarding State Secrets of the People's Republic of China.

**Article 22** Where an act endangering the State security constitutes a crime, criminal responsibility shall be investigated according to law; where the offence does not constitute a crime, the offender shall be given administrative sanctions by his or her unit or by the competent department at a higher level; the State security organs may also give him or her a warning or reprimand, or order him or her to write a statement of repentance.

**Article 23** The following shall fall into the "meritorious service" as referred to in Article 24 of the State Security Law:

(1) Exposing and charging against other criminals endangering the State security, and the exposure and charge prove true;

(2) Providing important clues or evidences so that acts endangering the State security are discovered and checked;

(3) Giving assistance to the State security organs or judicial organs to capture other criminals endangering the State security;

(4) Other acts of great help for the State security organs to safeguard the State security.

"Significant meritorious service" means a service within the above-enumerated scopes that is of especially great help to the State security work.

**Article 24** In case there is evidence to show that a person knows some others to have committed acts endangering the State security, or after he or she is informed explicitly by the State security organs that some others have committed acts endangering the State security, he or she shall be punished in accordance with the provisions of Article 26 of the State Security Law if he or she refuses to provide relevant circumstances and evidences at the request of the State security organ when the latter is engaged in investigating relevant circumstances and collecting relevant evidences.

**Article 25** Citizens and organizations have the duty, according to law, to provide convenience or other assistance to any State security organ that is carrying out according to law tasks for State security; any person or organization that refuses to provide such convenience or assistance and thereby commits an offence of obstructing on purpose the State security organ to carry out according to law tasks for State security shall be punished in accordance with

the provisions of Paragraph 2, Article 27 of the State Security Law.

**Article 26** Whoever obstructs on purpose the State security organ to carry out according to law tasks for State security and thereby causes personal injuries or property damages or losses to the functionary of the State security organ, shall be responsible for compensation according to law, and shall also be punished by the judicial organ or the State security organ in accordance with the provisions of Paragraph 2, Article 27 of the State Security Law.

**Article 27** Any functionary of the State security organ who neglects his or her duty, engages in malpractice for personal interest, unlawfully detains any person(s) or extorts a confession by torture, if his or her acts constitute a crime, shall be investigated for criminal responsibility according to law.

Chapter V Supplementary Provisions

**Article 28** These Rules shall enter into force as of the date of promulgation.