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China Significant Contribution to Counter to Global Terrorism Efforts



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Introduction

Terrorism is a common enemy of humanity, a serious threat to international peace and security, and a challenge to all countries and all humanity. All members of the international community have a shared responsibility to fight it. For decades, the United Nations led the creation of relevant conventions and other documents, coordinated the joint efforts of member states to fight against terrorism and put those efforts under the rule of law. In response to its call, many countries have actively fulfilled their international obligations by developing and implementing national anti-terrorism laws and strengthening international cooperation in the fight against terrorism. The international community, through unremitting efforts, has gradually created a multi-level framework for anti-terrorism legal instruments, including international and regional conventions, multilateral and bilateral agreements, and domestic laws. As a victim of terrorism, China has long faced real danger and has always attached great importance to legal anti-terrorist measures. It has experience in or adherence to international conventions and treaties, as well as in the amendment and improvement of criminal law. Faced with new developments in international and domestic terrorism, China first sought to gain a deeper understanding of law-based counter-terrorism, summarize its underlying dynamics, and identify appropriate countermeasures. Based on foreign experience, China formulated anti-terrorism laws, improved the legal framework and consistently applied these laws. They provided legal guarantees for China's intensified efforts in the fight against terrorism.



China has found a way to combat terrorism based on a law that adapts to its reality, establishing a sound legal framework, promoting strict, impartial and procedural enforcement of laws, and guaranteeing impartial justice and effective protection of human rights. It safeguarded national and public security, protected human life and property, and promoted global and regional security and stability.

The international community considers terrorism a serious crime and therefore it is a prominent subject in the criminal legislation of all countries. In March 1997, the National People's Congress of China (NPC) changed the Criminal Code, adding crimes of forming, leading or participating in a terrorist organization and strengthening sanctions for terrorist crimes.

After the attacks of September 11, 2001 in the United States, many countries took quick and effective measures to fight terrorism. In December of the same year, the Standing Committee of the NPC of China approved the III amendment of the Criminal Code, which consists of eight amendments and additions to improve and clarify provisions on terrorist activities. One of the additions relates to the crime of terrorist financing. This was part of China's efforts to implement UN Security Council Resolution 1373. At the same time, China made terrorism a primary offense for money laundering in order to sanction money laundering for terrorist activities. In June 2006, the Standing Committee of the NPC approved Amendment VI to the Penal Code, which specifies the penalties for terrorist money laundering. In response to new events and problems regarding terrorist crimes, the Standing Committee of the NPC approved Amendment IX of the Criminal Code in August 2015, which added the crimes of preparing for terrorist



activities, advocating terrorism and extremism, inciting terrorism, and using extremism weaken the law enforcement while clarifying appropriate charges and punishments. In 2012 and 2018, the NPC and its Standing Committee amended the Criminal Procedure Code to include provisions on the investigation, prosecution and trial of terrorist crimes. The Supreme Court and the Supreme People's Procuratorate independently or jointly prepared and published a series of legal interpretations to further harmonize the application of laws and trial procedures in the fight against terrorist crimes.

Preparation of the Anti-Terrorism Bill

Since the beginning of the 21st century, there have been a series of terrible terrorist attacks around the world. In response, many countries have created their own anti-terrorism laws or amended existing laws. In October 2011, the NPC Standing Committee on Strengthening Anti-terrorism, Protecting National Security, Maintaining Social Stability and Protecting People's Lives and Property made a decision on strengthening anti-terrorism work, which defines the concept of anti-terrorism work. terrorism, the country's main counterterrorism agency. and its tasks, the definition of terrorist organizations and individuals, the publication of lists of these organizations and individuals, and the principles of international cooperation. This laid a solid foundation for subsequent legislation.

Between 2011 and 2014, several countries were hit by terrorist attacks, a sign of the resurgence of terrorism around the world. Terrorist, separatist and extremist forces both inside and outside China have committed violent acts of terrorism in Xinjiang, Beijing, Yunnan and elsewhere.



Since April 2014, the leading national counter-terrorism agency has been leading several other departments in the field to consolidate the experience of counter-



terrorism crimes, improve the counter-terrorism mechanism and curb repeated and widespread violent and terrorist acts. inquiry, research and argumentation, application. opinions and proposals of all parties and the development of anti-terrorism law. In October 2014, the NPC Standing Committee discussed the draft for the first time, released it as a whole to the public for feedback, and made corrections. In February and December 2015, he processed bills for the second and third round to correct this. The NPC Standing Committee approved the Anti-Terrorism Law on December 27, 2015. It is a comprehensive anti-terrorism law that defines China's basic principles and position in the fight against terrorism. Specifying provisions on the definition of terrorist organizations and individuals, security protection, intelligence, investigation, response and processing, international cooperation, safeguards and legal responsibility, it provides a strong legal guarantee for the prevention and punishment of terrorist activities. In April 2018, the NPC Standing Committee amended the law to clarify the responsibilities of relevant departments and facilitate effective counter-terrorism work.



Example 1 - Anti-Terrorism Project open for proposals to provincial-level administrative units, relevant central departments, some universities and legal research institutions. Based on the solicited opinions and suggestions, the draft was revised and improved by the NPC Standing Committee.

Improvement of other relevant laws

China has made consistent efforts to update the anti-terrorism provisions of relevant laws to strengthen the systematic coordination of various laws, close legal loopholes, improve weaknesses and create synergy in anti-terrorism practices:

The Anti-Money Laundering Law, passed in 2006, deals with the financing of terrorism and relates to illegal and prevention and suppression of criminal activity. The National Security Law adopted in 2015 includes the fight against terrorism and extremism. The Law on Cyber Security, approved in 2016, prohibits the use of the Internet to support terrorism and extremism. The National Defense Act, amended in 2020, allows the legal use of the armed forces in the fight against terrorism. In 2020, the Armed People's Police was tasked with preventing and responding to terrorist activities through the amended Armed Police Force. The Law on Guaranteeing National Security in the Hong Kong Special Administrative Region, which came into force in 2020, contains provisions to combat terrorist crimes in the region and prescribes related penalties.

Improvement of relevant administrative rules

The Chinese government continued to improve the anti-terrorism provisions of relevant administrative regulations to meet practical anti-terrorism needs, strengthen coordination

and cooperation between relevant administrative organs and determine the responsibilities of all parties:

Internet Information Administrative Measures Services adopted in 2000 prohibits the production, reproduction, publication and transmission. The Religious Code, amended in 2017, stipulates that no organization or individual can use religion for terrorist activities. Regulations governing the protection of minors in cyberspace issued in 2023 prohibit the production, reproduction, publication and distribution of information containing terrorism and extremism that harm the physical and mental health of minors online.

Establish new local regulations

After passing the Anti-Terrorism Law in 2016, Xinjiang, Zhejiang, Hunan, Shanghai, Sichuan, Fujian, Beijing and some other places developed measures to enforce the law in their respective administrative regions, taking into account local realities and in accordance with the local legislative power given by the constitution and legislative act. Xinjiang formulated the rules on eradication of the Xinjiang Uyghur Autonomous Region, which include detailed working methods and ways to make the law practical. In addition, some places have added content to strengthen anti-terrorism work in drafting local religious affairs and public security orders.





- Making rules for the department and local administration

In order to more effectively implement the laws and regulations related to the fight against terrorism and to strengthen the effectiveness of anti-terrorism work in their area or location, central units and municipalities have prepared anti-terrorism regulations that meet their special needs. according to the powers and procedures under the law: In 2014, the People's Bank of China, the Ministry of Public Security and the Ministry of State Security prepared administrative measures to freeze assets related to terrorist activities, and they contain provisions on procedures. and measures related to the freezing of assets related to terrorism. In 2021, the Qinghai Provincial Government approved the Qinghai Provincial Railway Security Management Measures, which include provisions for the establishment of an anti-terrorist command and coordination mechanism and capacity-building against potential terrorist attacks.

Based on more than 40 years of experience, China has gradually developed a constitutional anti-terrorism legal framework. As the focus is on anti-terrorism law, where criminal law and national security law play an important role and other laws complement it, it also covers administrative regulations, statutory interpretations, local regulations and departmental and local regulations.

Clear provisions on the definition and punishment of terrorist activities

Chinese laws have clear provisions on the definition and punishment of terrorist activities. It distinguishes between administrative offenses and crimes based on the degree of damage they cause, and therefore establishes different legal obligations. The criteria for identifying terrorism-related offenses and sanctions are set in the Anti-



Terrorism Law, and the criteria for identifying and punishing terrorist crimes in the Criminal Code.

- The concepts of terrorism and terrorist activity are clearly defined. China's Anti-Terrorism Law provides specific and precise definitions of terrorism, terrorist activities and related concepts, which conform to the principles of international agreements concluded and signed by China and the practices of other countries. In the Anti-Terrorism Law, the concept of terrorism includes means, goals and forms and is defined as proposals or actions that, through violence, sabotage or threats, cause social panic, undermine public security, violate personal and property rights, or compel government agencies and international organizations to fulfill political, ideological or other objectives. The Anti-Terrorism Law defines the nature of terrorist activity and its special forms, including the organization, planning, preparation or execution of activities that cause serious social damage.

Standard Use of Powers in Anti-Terrorism

Chinese law distinguishes between administrative and criminal offenses of terrorism and provides different procedures to deal with them. Illegal terrorist activities are subject to administrative sanctions, while criminal terrorist activities are subject to criminal prosecutions. Procedures were regulated in accordance with the law, case management responsibility was introduced and external oversight was strengthened to ensure a uniform and regular use of powers in dealing with terrorism cases.

- Order of Procedure. Chinese law defines the powers and responsibilities of law enforcement and judicial authorities in handling cases. Cases of illegal terrorist activity



are investigated and handled by public security agencies, while cases of criminal terrorist activity are investigated and prosecuted by public security agencies, people's prosecutors, and people's courts.

When dealing with matters of terrorism, law enforcement and judicial bodies must use their legal powers and authorities to ensure that the law is accurately and effectively enforced. When handling cases, public security agencies must withdraw cases that should not have been filed, and prosecutors have the right to monitor withdrawals. When gathering and obtaining evidence, public security agencies must gather evidence both for and against the suspect. Torture and other illegal means are prohibited in the collection of evidence, and evidence obtained by illegal means should be excluded by law.

When approving arrests and prosecutions, prosecutors should not provide reasons for arrest or prosecution unless the required conditions are met. In judicial proceedings, the people's courts must acquit the evidence if the evidence is insufficient or the act is not a crime.

- Implementation of case management responsibility. China's police and judicial authorities have promoted the reform of the reporting system to ensure strict law enforcement, legal justice and accountability of competent authorities. People's courts promoted substantive trial reform through effective trial management and supervision, further specifying their organizational powers and duties of judges to harmonize trial and trial responsibilities and ensure a legal and independent trial. and an impartial trial. power State prosecutors have created a fair and efficient mechanism for



the use of the prosecutor's office to ensure the responsibility of criminal prosecutors and decision-makers by improving the organization of case management, defining the internal division of powers and strengthening the system of legal accountability. Public safety agencies have established a case review and approval mechanism that defines the authority of case handlers, reviewers and approvers. Information technology is now used to monitor and track the entire process and keep these activities within limits. The law enforcement and judicial authorities have implemented a system of strict liability, according to which legal authorities who violated the law in the process of cases are responsible and appropriate punishments are imposed after clarification of the responsibilities. if their actions constitute a crime, they are given criminal responsibility. In order to fully regulate the use of power, a reform was carried out to harmonize the consistency of judgments, a system to evaluate the quality of case trials and a mechanism to assess and evaluate effectiveness was launched, management and leadership of case, and training was strengthened repaired.

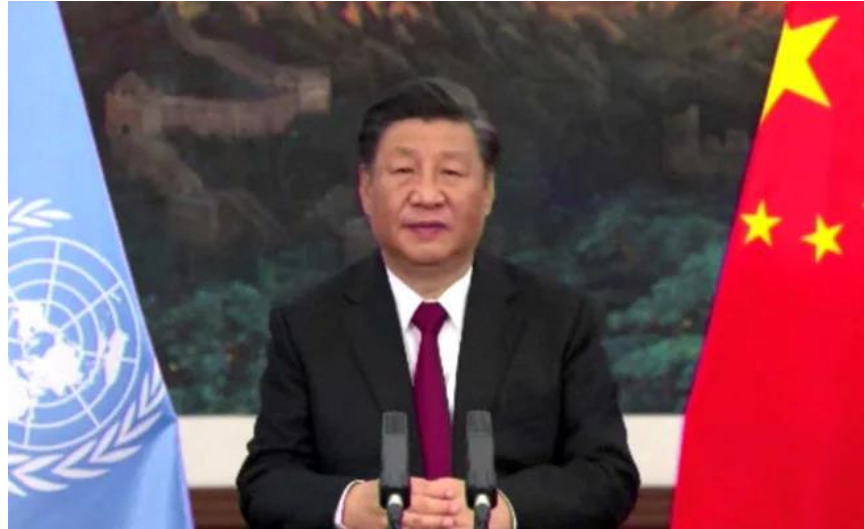
- Reinforcement of external control. The powers of police and judicial institutions are subject to external inspection by the People's Congress, the Chinese People's Political Consultative Conference (CPPCC) and the public, as well as legal and internal inspection.

People's congresses, as institutions of state power, supervise the work of people's courts and prosecutors, listening to their work reports and conducting special investigations. The CPPCC democratically controls law enforcement and legal institutions. People's courts, people's prosecutors and public security agencies are invited to monitor the People's

Congress and TKK, while the public can monitor the work of these institutions as people's assistants and people's supervisors and by participating in hearings.

Protection of Human Rights in Counter-terrorism

China respects and protects human rights as a fundamental principle in improving its legal framework and practices in the field of counter-



terrorism. It integrates the punishment of terrorist activities with the protection of human rights. When dealing with matters related to terrorist crimes and crimes, it also emphasizes the protection of the fundamental rights of citizens, the preservation of social order, and the protection of the rights of victims and those involved, as well as suspects, accused and convicted.

- To support a safe environment and social order where human rights are guaranteed.

Terrorism is a serious threat to national and public security, as well as human life and property. Strengthening counter-terrorism measures to prevent and punish terrorist activities in strict accordance with the law is essential for the protection of human rights.

The government was able to curb the spread of terrorism, protect citizens' rights to life, health and property, and maintain social stability, and took determined measures to protect the legal rights and interests of citizens and organizations, and combat geographic discrimination. . region, ethnicity or religion.



Protecting the rights of victims and interested parties.

In responding to terrorist attacks, China prioritizes the personal safety of those exposed to immediate harm and danger, organizes emergency aid and treatment for victims, and evacuates and relocates potential victims. After the initial action, relevant ministries will take measures to help individuals and organizations return to normal life and work, restore social order and alleviate public concern in the affected areas. These departments provide timely assistance, provide psychological and medical assistance to the victims and their relatives if necessary, and ensure the basic needs of the victims and their relatives who have lost their livelihood.

Protection of personal freedom and human dignity. The Chinese constitution and laws stipulate that the personal freedom and dignity of citizens shall not be violated. Terrorist agencies strictly adhere to the criteria, procedures and deadlines set by law when implementing coercive measures that limit personal freedom, such as arrest and detention. Public security bodies cannot arrest without the prior consent of the people's prosecutors or the decisions of the people's court. Public prosecutors increased the need for an investigation request, release, or alternative means of enforcement when detention is deemed unnecessary, and strictly followed legal criteria when approving the continuation of an investigation.

Authorities dealing with cases of terrorism followed the provisions of the Constitution and the law, according to which human dignity cannot be violated. They ensured that suspects and accused persons had the necessary food and rest time and that they were protected from physical violence and insults. Interrogation using violence, threats or



intimidation, obtaining evidence by torture, threats, enticement, deception and other illegal means and forced self-incrimination are prohibited. Confessions obtained by torture or other illegal means are excluded.

Ensuring the right of defense

Suspects and accused of terrorist crimes have the right to a defense lawyer from the first interrogation or from the day when investigative authorities introduced coercive measures. Persons who have the right to receive legal aid services have the right to a lawyer assigned to the defender. Court systems and justice agencies are piloting programs that fully include defense attorneys for prosecution in criminal investigations, assigning counsel to unrepresented suspects, and expanding the scope of criminal legal aid. In order to ensure the full realization of the right of defense of suspects and accused persons, legal authorities have strengthened the right of lawyers to access information, statements and statements during a court hearing, as well as the right to meet suspects and accused persons. persons, examine documents and collect evidence. and participate in examination, cross-examination, discussion and defense.

Ensuring data protection and participation rights

Before announcing the decisions on administrative punishment for terrorist activities, the administrative bodies must inform the accused about the specifics of the punishment, the circumstances of the violations and the reasons and reasons for the punishment, as well as his right to speak and his right. protect yourself and hearing. The authorities must accept the facts, explanations and evidence presented by the accused after verifying them. In the preliminary investigation of cases related to terrorist crimes, relatives of suspects



and accused persons must be informed about the implementation of coercive measures. In cases where this may hinder the investigation, the report must be made immediately after the possible risk has passed.

In criminal cases related to terrorist crimes, suspects and defendants must be informed of the charges, the details of their case, and their rights to withdraw, appear in court, participate in the investigation and deliberations, and receive a final decision. . a decision opinion

- To ensure the right to legal aid. Chinese law protects the accused's right to comprehensive and multi-channel legal assistance.

Persons who received an administrative penalty for terrorism and do not agree with the decision, have the right to request an administrative referral or file an administrative case and have lawyers organize the trial.

The perpetrators of terrorist crimes, their authorized defenders and close relatives have the right to appeal if they do not agree with the decisions of the local courts of first instance, and this right cannot be denied under any pretext. A convicted person has the right to appeal judgments and decisions that are already legally binding. If the complaint meets the conditions set by the law, the people's courts and prosecutors must start the judicial review procedure and return the case to the original people's court.

A person whose rights and interests have been violated by illegal administrative or criminal penalties has the right to demand compensation from the state according to the procedure prescribed by law.

- Protection of the right to judgment in ethnic spoken and written languages. The Chinese constitution and laws give citizens of all ethnic groups the right to use their own language in judicial proceedings.

Judicial authorities are obliged to provide translation and interpretation services in terrorism cases to all parties in the case who have little command of spoken and written languages common in the region.

In places where people belonging to one ethnic group live in united communities or where several ethnic groups live together, court hearings must be conducted in the spoken language customary in the area, judgments, announcements and other documents must be formalized in writing language common in the place. In the ethnic autonomous regions, people's courts and people's procurators must deal with cases in the commonly used local language and be adequately equipped with personnel who can speak and write the local ethnic language, while legal documents must be written in the commonly used local language or languages according to the situation.

Effective protection of people's security and national security

China is doing anti-terrorism work in accordance with the law. Balancing security and stability with social development, it will further strengthen its ability to prevent and combat terrorism and eliminate its





ideological base. China has thus strengthened the people's sense of security, safeguarded national security, and promoted regional and global security and stability.

- increasing the ability to prevent and prevent terrorism. With an increasingly strong legal foundation, China continues to improve its safety management systems in relevant areas, including transportation, logistics and hazardous materials. It actively promotes better terrorism prevention standards in key sectors and regions, prepares or revises anti-terrorism preparedness plans and improves exercises accordingly, 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 in education and real work, China will continue to strengthen its scientific and technological ability to fight terrorism and effectively respond to the challenges arising from new technologies and business forms including artificial intelligence, encrypted communications and virtual currency. In addition to special efforts, China also depends on the public in the fight against terrorism. It carries out extensive public education on campuses and workplaces and in residential communities, and distributed anti-terrorist pamphlets such as the Citizen's Handbook on Counter-Terrorism to the people. It encourages people to report terrorist-related activity to the authorities and further increases society's awareness of public safety and the public's ability to respond to emerging incidents of violence and terrorism.

Anti-terrorist measures are the anchor of security and stability. Security and stability enable development, which in turn strengthens security and stability. In Xinjiang, the focus of China's counter-terrorism efforts, the per capita disposable income of urban



residents increased from RMB 19,019 in 2012 to RMB 38,410 in 2022, while the per capita disposable income of rural residents increased from RMB 6,876 to RMB 16: something, 550. By the end of 2020, all 3.06 million people living below the poverty line in rural areas have escaped poverty, and poverty has been eradicated from all 3,666 villages and 35 provinces that were previously poor. In 2023, Xinjiang welcomed 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 tourism revenue was 296.7 billion RMB in 2023, up 227 percent from last year. The autonomous region is now a leading tourist destination and tourism acts as a pillar industry that increases employment opportunities and enriches the lives of local people. While China is cracking down on illegal and criminal terrorist activities, it is placing greater importance on educating and rehabilitating victims of extremism who have committed only minor crimes. For people with different levels of extremism, relevant ministries, women's organizations and other social organizations, religious groups, schools and families work together to provide targeted interventions to protect them from further harm.

Religious extremism is not a religion. It distorts religious teachings, spreads violent and radical ideas, and causes serious disruptions in normal religious practice. Under the influence and control of religious extremism, some people participated in terrorist activities or were encouraged, forced or lured to participate in terrorist activities. In accordance with the principles of securing the law, prohibiting illegality, curbing extremism, combating infiltration and fighting crime, China will protect the religious



freedom of citizens, guarantee the normal practice of religious activities and take consistent legal measures. in deradicalization. It succeeded in curbing the influence and spread of religious extremism.

The public has strengthened its awareness of the rule of law and the harm caused by religious extremism, while its ability to distinguish between right and wrong and to resist the infiltration of religious extremism has greatly improved.

- Promoting global and regional security and stability

By combating domestic terrorist activities, strengthening border and entry controls, and stopping the cross-border movement of terrorists, China has effectively curbed the spread of terrorism. According to its own laws and international treaties signed or concluded, China actively cooperates in the international fight against terrorism on the basis of equality and mutual benefit. It is committed to the vision of a global community with a common future, supports the leading and coordinating role of the UN in international counter-terrorism cooperation, adheres to the UN Charter and other well-recognized international laws, and supports anti-terrorism resolutions. adopted by the UN Security Council. council It has joined 12 global anti-terrorism conventions and is actively fulfilling its obligations in the fight against terrorism.

China supports regional cooperation in the fight against terrorism. Within the Shanghai Cooperation Organization (SCO), it facilitated the drafting of documents such as the Shanghai Convention on Combating Terrorism, Separatism and Extremism and the Agreement on Border Protection Cooperation between SCO member states, and contributed to legal cooperation and the common fight. against terrorism exercises that



play an important role in maintaining international and regional security and stability. Creating cooperation mechanisms between dozens of countries and law enforcement agencies to fight terrorism in border regions, he engaged in practical information exchange and cooperation in intelligence, border control and investigation and prosecution of cases, and cut funding for terrorism.

Conclusion

Different paths can lead to the same result and consensus can be reached despite different concerns. The fight against terrorism must be based on the rule of law, a principle widely recognized by the international community. Due to different political systems, legal institutions and cultural traditions, countries face different forms and manifestations of terrorism and thus apply different legal practices in the fight against terrorism. China's counter-terrorism legal framework has improved over the past four decades, and China's rule of law has been consistent with international counter-terrorism principles. The current legal framework works well both in preventing and punishing terrorist acts and in respecting and protecting human rights. It conforms to Chinese reality and international standards, and has produced satisfactory and practical results. Unfortunately, some countries often ignore the right of others to choose their own way of fighting terrorism in accordance with the rule of law. These countries impose their will on others and judge them. They even interfere in the internal affairs of others and violate their national sovereignty under the guise of protecting the rule of law and human rights. These actions have seriously undermined global efforts to fight terrorism in accordance



with the rule of law, weakened the foundations of cooperation and reduced the effectiveness of operations.

Anti-terrorist approaches of individual countries that support the common values of humanity, adhere to UN standards and principles and respect their national conditions and legal institutions are part of the global effort to fight terrorism as a rule. of the law. the law The international community should support various law-based actions in the fight against terrorism, fight double standards and resist politicization of related issues. China wants to work closely with other countries to advance the fight against terrorism as part of global governance. On the basis of equality and respect, China will initiate comprehensive exchanges, cooperation and mutual learning to facilitate global counter-terrorism efforts.