

## **Appendix 48 -- The National Security Law of Taiwan (1987)**

The new law, as passed on 23 June 1987 by the Legislative Yuan, promulgated on 1 July 1987 by President Chiang Ching-kuo, and entered into force at midnight on 14 July 1987.

1. This law is enacted to safeguard national security and maintain social stability during the period of mobilization and suppression of the Communist rebellion. Matters for which the present law does not provide shall be governed by other relevant laws.
2. Public assembly and association must not violate the Constitution, advocate Communism or the division of the national territory (was: "... or the government's anticommunist national policy, and must not advocate separatist ideology"). A separate law will be written to regulate assembly and association activities.
3. The people must apply to the Bureau of Entry and Exit Administration of the National Police Administration for permission to leave and enter the Taiwan Region. Individuals who do not have entry permits will be refused entry into, or departure from, the Taiwan Region. Entry and exit permits will be denied to applicants who fall into any of the following categories:
  - a) Wanted criminals at large, or individuals who have been sentenced to prison terms but have not begun serving their sentences or have not finished serving their sentences, or who have been restricted from leaving the country by judicial or military organizations.
  - b) When there are indications that an individual could endanger national security and social stability.
  - c) People who have been restricted or banned from leaving or entering the country by other laws.

A written notice will be issued to the person involved, offering explanations for reasons of refusal and remedial course of action.

4. Police authorities (was: "Security personnel") have, whenever necessary, the right to inspect the following list of people, goods and means of transportation:
  - a) Travelers and their luggage upon arrival in, and departure from, Taiwan.
  - b) Ships, aircraft or other means of transportation upon arrival in and departure from Taiwan.
  - c) Domestic boats and aircraft and the goods and merchandise aboard.
  - d) Crews, fishermen or other personnel aboard the vehicles mentioned under (b) and (c), and their luggage.
5. The Ministry of Defense — in consultation with the Ministry of Interior — has the right to designate the coasts, mountains and important military installations as restricted areas in order to safeguard coastal defense, the security of military installations and the highland areas. The restricted areas should be made known to the public.

- a) People who want to enter and leave the above-mentioned restricted areas must apply for permission to the organization in charge.
- b) Construction in restricted areas will be forbidden or restricted in accordance with the needs of the military. The scale of restriction will be decided jointly by the Ministries of Defense and Interior.
6. These who enter or leave the Taiwan Region in violation of paragraph I of Article 3 will be subject to the penalty of maximum three-years' one year prison sentence, hard labor and/or a fine of maximum thirty thousand yuan \*\*. Individuals who refuse to accept, or try to avoid, inspection as laid down in Article 4 will be subject to the penalty of maximum six months' prison term, hard labor and /or a fine of maximum five thousand yuan.
7. Those who, in violation of paragraph 2 of Article 5, enter into or depart from restricted zones without applying for permission, will be subject to the penalty of maximum six months' prison sentence, hard labor and/or a fine of maximum five thousand yuan. Those who, in violation of paragraph 3 of Article 5, undertake construction projects in restricted areas and refuse to comply with instructions to cease construction, will be subject to the penalty of six months' prison sentence, hard labor and/or a fine of maximum five thousand yuan.
8. Non-military persons will not be tried in military courts. Military personnel who commit offenses covered by Article 61 of the Criminal Code but not included in the Special Laws of the Armed Forces may not be tried by military courts.
9. Criminal cases of civilians, ("fei hsien yi chun jen", literally: "non currently-serving military personnel") who have been tried in military court in the period when martial law was in force, will be handled according to the following regulations:
  - a) cases whose military trial procedure has not been completed, and cases which are under investigation, will be turned over to the prosecutors of civil courts. Cases which are currently on trial will be transferred to the civil courts.
  - b) cases whose military trial procedure has been completed will not be allowed to appeal or protest in the civil courts [emphasis added]. Those who have grounds for a retrial or a special appeal may apply for a retrial or a special appeal.
  - c) criminal cases involving civilians, who are serving their sentences, or those who have not begun to serve their sentences, will be transferred to the jurisdiction of the prosecutors of the civil courts.
10. The Executive Yuan will decide on the enforcement regulations of this law, and the date of its entry into force.

\*\* 1,000 yuan equals NT\$ 3,000, which in turn is — at the present exchange rate — approximately equal to U.S.\$ 100.