SPP Guiding Case No. 10: Case of Wei Xuechen for Fabricating False Terrorist Information

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Keywords

Crime of fabricating false terrorist information; seriously disturbing social order

Holding

With respect to the determination that the fabrication of false terrorist information has caused “serious disturbance of social order,” a comprehensive analysis and judgment shall be made in light of factors such as the degree of impact of the conduct on normal work, production, life, business operation, teaching, and scientific research order, the degree of panic caused to the public, and the handling of the situation. Where a person fabricates or deliberately disseminates false terrorist information threatening civil aviation safety, causing public panic, or causing flights to be unable to take off or land normally, it shall be determined to “seriously disturb social order.”

Basic Facts

The defendant Wei Xuechen, male, from Liaoning Province, born in 1987, formerly a tour guide at Dalian Golden Holiday Travel Agency.

At 14:46 on June 13, 2010, after finishing lunch with a Sichuan tour group visiting Dalian, the defendant Wei Xuechen told the Sichuan tour guide Li Zhongjian that he could make a plane stay for half an hour, and then used his mobile phone to call the inquiry office of Dalian Zhoushuizi International Airport. After asking about the departure time of flight 3U8814, he told the airport staff member who answered the phone that “there are two terrorists on the plane, be careful.” After receiving the call, Dalian Zhoushuizi International Airport immediately activated its anti-terrorism plan, moved the plane to an isolated parking position, organized public security and security inspection personnel to clear the passenger cabin and cargo hold, checked and verified the information of every departing passenger, and reviewed the security inspection site videos. After confirming that there were no suspicious issues, flight 3U8814 took off at 19:33 that day, 33 minutes late.

Procuratorate Performance of Duties

On June 13, 2010, Wei Xuechen was placed in criminal detention by the airport branch of the Dalian Municipal Public Security Bureau on suspicion of the crime of fabricating false terrorist information, was arrested on June 25, and the investigation was concluded and the case transferred to the Ganjingzi District People’s Procuratorate of Dalian for review and prosecution on August 12. On September 20, 2010, the Ganjingzi District People’s Procuratorate initiated a public prosecution against the defendant Wei Xuechen on suspicion of the crime of fabricating false terrorist information before the Ganjingzi District People’s Court. On October 11, 2010, the Ganjingzi District People’s Court rendered a first-instance judgment, holding that the defendant Wei Xuechen deliberately fabricated false terrorist information, seriously disturbing social order, and that his acts had constituted the crime of fabricating false terrorist information; in view of the fact that the defendant Wei Xuechen voluntarily pleaded guilty, he could be given a lighter punishment as appropriate. In accordance with Article 291 bis of the Criminal Law of the People’s Republic of China, the defendant Wei Xuechen was convicted of the crime of fabricating false terrorist information and sentenced to one year and six months of fixed-term imprisonment. After the first-instance judgment, the defendant Wei Xuechen did not appeal within the statutory period, and the procuratorial organ did not lodge a protest, so the first-instance judgment became legally effective.

Source: https://www.danyoungcpa.com/spp-guiding-case-10-china/

Relevant Legal Provisions

Article 291 bis of the Criminal Law of the People’s Republic of China.

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