SPP Guiding Case No. 9: Case of Li Zeqiang for Fabricating and Deliberately Disseminating False Terrorist Information

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

Keywords

Crime of fabricating and deliberately disseminating false terrorist information

Holding

The crime of fabricating and deliberately disseminating false terrorist information is a selective charge. Where a person fabricates terrorist information and then disseminates it to specific targets, seriously disturbing social order, the crime of fabricating false terrorist information is constituted. Where a person fabricates terrorist information and then disseminates it to non-specific targets, seriously disturbing social order, the crime of fabricating and deliberately disseminating false terrorist information is constituted.

Where a person commits multiple acts of fabricating and deliberately disseminating false terrorist information, concurrent punishment for multiple crimes shall not be imposed, but such circumstances shall be taken into account as sentencing circumstances.

Basic Facts

The defendant Li Zeqiang, male, from Hebei Province, born in 1975, formerly an electrician at the Beijing Xinhe Logistics and Warehousing Center.

At around 22:00 on August 4, 2010, the defendant Li Zeqiang, in order to vent his discontent, used his mobile phone at the construction site at No. 13 Xiaoying North Road, Chaoyang District, Beijing to compose a text message reading “I will bomb Beijing Capital Airport tonight,” and sent it to dozens of randomly composed mobile phone numbers. After receiving the text message, Peng XX in Tianjin reported it to the local public security organ on August 5, 2010. The public security sub-bureau of Beijing Capital International Airport immediately notified the airport operation monitoring center after receiving the report that same day. The operation monitoring center of Capital International Airport promptly activated its emergency plan, conducted a screening of the east and west terminals and the apron, and strengthened the inspection and monitoring of luggage and articles, consuming a great deal of manpower and material resources and seriously affecting the normal work order of Capital International Airport.

Procuratorate Performance of Duties

On August 7, 2010, Li Zeqiang was placed in criminal detention by the public security sub-bureau of Beijing Capital International Airport on suspicion of the crime of fabricating and deliberately disseminating false terrorist information, was arrested on September 7, and the investigation was concluded and the case transferred to the Chaoyang District People’s Procuratorate of Beijing for review and prosecution on November 9. On December 3, 2010, the Chaoyang District People’s Procuratorate initiated a public prosecution against the defendant Li Zeqiang for the crime of fabricating and deliberately disseminating false terrorist information before the Chaoyang District People’s Court. On December 14, 2010, the Chaoyang District People’s Court rendered a first-instance judgment, holding that the defendant Li Zeqiang, with a weak sense of legality and in order to vent personal anger, fabricated false terrorist information and deliberately disseminated it to others, seriously disturbing social order, and had constituted the crime of fabricating and deliberately disseminating false terrorist information; in view of the fact that the defendant Li Zeqiang voluntarily pleaded guilty, he could be given a lighter punishment as appropriate. In accordance with Article 291 bis and Article 61 of the Criminal Law of the People’s Republic of China, the defendant Li Zeqiang

was convicted of the crime of fabricating and deliberately disseminating false terrorist information and sentenced to one year of fixed-term imprisonment. After the first-instance judgment, the defendant Li Zeqiang did not appeal within the statutory period, and the procuratorial organ did not lodge a protest, so the first-instance judgment became legally effective.

Relevant Legal Provisions

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

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