

Anti-terror amendment to criminal law

Beijing, 29 December: Amendment to the Criminal Law of the PRC (3) (Adopted at the 25th Meeting of the Standing Committee of the Ninth National People's Congress on 29 December 2001) In order to punish the crime of terror, ensure national security and the safety of the people's lives and property, and uphold social order, the following supplementary amendments are made to the Criminal Law:

1. Article 114 of the Criminal Law shall be amended as: "Any person who harms public security by setting a fire; breaching a dyke; causing an explosion; releasing any poisonous substance, radioactive substance, or contagious disease pathogens; or by other dangerous means shall be sentenced to fixed-term imprisonment of not less than three years nor more than 10 years in cases where serious consequences have not been caused."

2. Article 115, Paragraph 1 of the Criminal Law shall be amended as: "Any person who causes serious injuries to or the death of another or causes major losses of public or private property by setting a fire; breaching a dyke; causing an explosion; releasing any poisonous substance, radioactive substance, or contagious disease pathogens; or by other dangerous means shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death."

3. Article 120, Paragraph 1 of the Criminal Law shall be amended as: "Any person who organizes or leads a terror organization shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; any person who plays an active part shall be sentenced to fixed-term imprisonment of not less than three years nor more than 10 years; other participants shall be sentenced to fixed-term imprisonment, criminal detention, or public control of not more than three years or deprivation of political rights."

4. An article [clauses] shall be added after Article 120 of the Criminal Law and become part of Article 120: "Any person who funds a terror organization or an individual carrying out terrorist activities shall be sentenced to fixed-term imprisonment, criminal detention, or public control of not more than five years or deprivation of political rights and in addition be imposed a fine; where the circumstances are serious, the sentence shall be fixed-term imprisonment of not less than five years in addition to a fine or confiscation of property. "Where a unit commits the crime as described in the preceding paragraph, the unit shall be fined and the person directly in charge of the unit and other personnel with direct responsibilities shall be punished in accordance with the provisions in the preceding paragraph."

5. Article 125, Paragraph 2 of the Criminal Law shall be amended as: "Any person who harms public security by illegally making, buying or selling, transporting, or storing any poisonous substance, radioactive substance, or contagious disease pathogens shall be punished in accordance with the provisions in the preceding paragraph."

6. Article 127 of the Criminal Law shall be amended as: "Any person who harms public security by stealing or seizing firearms, ammunition, or an explosive or by stealing or seizing any poisonous substance, radioactive substance, or contagious disease pathogens shall be sentenced to fixed-term imprisonment of not less than three years nor more than 10 years; where the circumstances are serious, the sentence shall be fixed-term imprisonment of not less than 10 years, life imprisonment, or death. "Any person who robs firearms, ammunition, or an explosive; harms public security by robbing any poisonous substance, radioactive substance, or contagious disease pathogens; or steals or seizes firearms, ammunition, or an explosive from a state organ, military or police personnel, or militiaman shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death."

7. Article 191 of the Criminal Law shall be amended as: "Where a person commits any of the acts listed below for the sake of covering up or concealing the source and nature of an illegal income that the person knows is obtained from a narcotics crime, organized crime of a underworld nature, crime of terror, or crime of smuggling and of earnings on that income, the illegal income from carrying out the abovementioned crime and the earnings on that income shall be confiscated and the person concerned shall be sentenced to fixed-term imprisonment or criminal detention of not more than five years and in addition be imposed a fine of not less than five per cent nor more than 20 per cent of the amount of money laundered or shall be imposed a fine of not less than five per cent nor more than 20 per cent of the amount of money laundered; where the circumstances are serious, the sentence shall be fixed-term imprisonment of not less than five years nor more than 10 years in addition to a fine of not less than five per cent nor more than 20 per cent of the amount of money laundered:

- (1) Providing a fund account;
- (2) assisting in converting property into cash or financial papers;
- (3) assisting in fund transfers by transferring accounts or through any other ways of settlement;
- (4) assisting in remitting funds out of the territory; and
- (5) covering up or concealing in any other ways the source and nature of an illegal income from a crime and any earnings on it. "Where a unit commits the crime as described in the preceding paragraph, the unit shall be fined and the person directly in charge of the unit and other personnel with direct responsibilities shall be sentenced to fixed-term imprisonment or criminal detention of not more than five years; where the circumstances are serious, the sentence shall be fixed-term imprisonment of not less than five years nor more than 10 years."

8. An article [clause] shall be added after Article 291 of the Criminal Law and become part of Article 291: "Any person who seriously disturbs social order by releasing any false explosive, poisonous, or radioactive substance or contagious disease pathogens; by fabricating terror information about an explosion threat, biological or chemical threat, or radiation threat; or by deliberately disseminating terror information with clear knowledge that it is fabricated shall be sentenced to fixed-term imprisonment, criminal detention, or public control of not more than five years; where serious consequences have been caused, the sentence shall be fixed-term imprisonment of not less than five years."

9. This Amendment shall come into force upon promulgation.

Quelle: Xinhua, 29.12.2001, nach BBC PF, 29.12.2001.

(Der vollständige Text des Strafgesetzbuches nach der Änderung von 1997 liegt in deutscher Übersetzung vor mit der Publikation: Strupp, Michael, *Das neue Strafgesetzbuch der VR China, Kommentar und Übersetzung*, Hamburg 1998, Mitteilungen des Instituts für Asienkunde Nr. 294.)