

Commonwealth of Independent States: Model Statute to Fight Terrorism

IRIS 2005-1:1/39

*Andrei Richter
Comenius University (Bratislava)*

Most CIS countries' legislation on terrorism is based on the Model Statute "On the fight against terrorism" adopted by the Interparliamentary Assembly of CIS Member States on 8 December 1998 (the CIS Interparliamentary Assembly enacted a reworded version on 17 April 2004, further amended on 4 December 2004).

The current Model Statute says in particular that "mass media workers when covering acts of terrorism and antiterrorist activity shall take into consideration that the human rights to life and security have priority over the right to free access to information and to free dissemination of information" (Article 7).

It further specifies that editors and managers of the mass media shall refrain from having stories prepared that justify terrorist "and other extremist activity dangerous to the public", that call for or provoke it, nor shall they allow for propaganda of religious, ethnic or racial enmity (Article 8).

Article 21 of the Model Statute deals with particular restrictions on reporting. For example, it bans the disclosure of special techniques and tactics used in counterterrorism operations; of any information that might impede a counterterrorism operation or endanger human life or health; or of details of special-forces personnel involved, or of other persons assisting them.

This clause (in various forms) can be found in most of the legislative instruments against terrorism currently in place in the CIS Member States. For example, it is repeated in Article 15 of Belarus' statute of 2002, Article 14 of Moldova's organic statute of 2001, Article 17 of Ukraine's statute of 2003 and Article 16 of Turkmenistan's statute, also of 2003. The only exceptions are Kyrgyzstan's terrorism statute of 1999, which says nothing at all about regulating the media, and Kazakhstan's equivalent, also of 1999.

Article 9 allows for liability of the "mass media workers and managers" for violations of "their duty in the fight against terrorism" that includes provision for a court decision to shut down mass media outlets.

Модельный закон «О борьбе с терроризмом», Информационный бюллетень, 2004, No. 33

<http://www.iacis.ru/html/?id=22&pag=168&nid=1>

*On the fight against terrorism, officially published in the CIS bulletin
Информационный бюллетень, 2004, No. 33*

