

[KG] Extremism Outlawed

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The Statute “On Counteraction of Extremist Activities” was passed by Jogorku Kenesha (Parliament) of the Republic of Kyrgyzstan on 30 June 2005 and signed into law by President Bakiev on 17 August 2005. The act corresponds in most of its provisions to similar legislation adopted earlier in the countries of the Commonwealth of Independent States, namely Russia, Moldova, and Kazakhstan (see IRIS 2002-8: 15).

The provisions of the document concerning the mass media include the definition of extremist activities and extremist materials, regulation of applicable preventive measures and sanctions for breaches of law.

The Statute considers four kinds of activities as extremist (Art. 1):

- activities of persons or legal entities, including mass media entities, aimed at the planning and organization of violent alteration of constitutional order, attempts on territorial integrity, terrorist attacks, derogation of national dignity, propaganda regarding exclusiveness, superiority or inferiority of citizens in connection with their relation to religion, or social, racial, national, or linguistic affiliation, etc.;
- propaganda and public demonstration of Nazi symbols and products or symbols which are similar to Nazi symbols up to a confusion degree;
- public appeals to carry out said activities; and
- funding of extremism.

Besides abstaining from extremist activities the mass media shall be prohibited from disseminating “extremist materials”, i.e. information on any medium, calling for commitment to extremist activities or justifying the exercise of such actions, as well as substantiating racial or national superiority or justifying the commission of crimes against ethnical, social, national or religious groups.

Extremist activities and dissemination of extremist materials are under a total ban; however the mass media shall have a chance to make a mistake. According to Article 8 of the Statute, in the case of a single violation of the ban, the governmental agency authorised to carry out registration of the mass media, the governmental agency in charge of the sphere of press, broadcasting and mass

communications, the Prosecutor-General, or prosecutors subordinate to him shall all be authorised to issue a warning pointing to the inadmissibility of illegal activities of a mass medium and meting out the term for elimination of the violation, if it is appropriate. If the said elimination does not take place or new facts are discovered that prove continuation of the extremist activities by the mass media entity within twelve months from the date of passing of the warning, its activity shall be subject to termination.

Article 11 of the Statute provides for the grounds for termination of the activities of a mass medium enterprise. Along with those mentioned in Article 8, it determines a number of violations that incur penalty without prior warning. These are breaches of law that involve infringement of the rights and freedoms of citizens, or cause injury to a person, health of citizens, environment, or breach public peace and public security, or intrude upon property, economic interests of natural or legal persons, society and the state, or create the real threat of causing such harm. The only body empowered to impose specified sanctions on the mass media is the court. Cases concerning extremist activities are to be initiated before the court by the aforementioned authorised governmental agencies. According to Article 11 the courts have competence to issue a writ suspending the dissemination of extremist materials in periodical publications or radio and television programs.

The distinctive feature of the Statute is the absence of a right of mass media entities to challenge illegal acts of governmental authorities. Unlike non-governmental public organisations or religious organisations (Articles 7, 10), mass media entities are not allowed by the Statute to challenge prior warnings or any other decisions of supervisory bodies. Obviously, the mass media retain the fundamental right to judicial protection. However, the protection measures granted by general laws (for instance, the Code of Civil Procedure) do not seem to be efficient enough.

“ O protivodeystvii ekstremistskoy deyatel'nosti”, 17.08.2005

<http://www.medialaw.ru/exussrlaw/l/kg/ekstrem.htm>

Statute of the Republic of Kyrgyzstan “On Counteraction of Extremist Activities” of 17 August 2005

