Commonwealth of Independent States: Model Statute to Fight Terrorism

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The Commonwealth of Independent States (CIS) Interparliamentary Assembly which currently comprises delegations from the parliaments of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan and Ukraine enacted on 3 December 2009 the Model Statute *О противодействии терроризму* (On Countering Terrorism).

In a way this Model Statute recommends the CIS member-states to adopt new anti-terrorism national statutes as most of these countries' legislation on terrorism is currently based on the Model Statute "On the fight against terrorism" of 8 December 1998 (see IRIS 2005-1: 0/103). In its turn the new Model Statute develops the ideas of the recent Russian Federation's Statute "On Counteraction to Terrorism" of 6 March 2006 (see IRIS 2006-5: 19/33).

The Statute provides for the principles of counteraction against terrorism, organizational and legal measures aiming at prevention and fighting against terrorism, and minimization or elimination of the aftermath of terrorist activities. It also stipulates legal rules of conduct of antiterrorist operations including the formation and competence of operational matters, admissible limitations of the rights and freedoms inside the territory of zone of counterterrorist operation, rules of use of the Armed Forces.

The new law expands the boundaries of the notion of "terrorist activities": it shall inter alia include propaganda of ideas of terrorism, dissemination of information calling for performance of terrorist activities as well as proving or justifying the necessity of such performance, including such actions with the use of Internet (Art. 3).

The Statute includes a few provisions that affect the mass media. Article 9 of the Model Statute stipulates obligations of the mass media to assist counteraction to terrorism. Those include considering the priority of the life and security of population over the freedom of access to information and freedom to disseminate information when covering terrorist attacks and counter-terrorist activity. They also include an obligation to immediately tip the law-enforcement agencies on preparations of a terrorist act if such information was obtained by the journalists in the course of their professional activity, including an obligation to pass all

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materials related to the information. Finally this Article puts responsibility of the editors to restrain their staff from disseminating materials thatcall for, justify, or provoke terrorism and extremism, and to refrain from using hate speech in their media. Article 10 suggests introducing criminal liability of journalists and editors as well as closure of the mass media outlets for failing to act as stipulated in Article 9.

Within a counterterrorist operation zone certain limitations of information rights may by introduced, among them control over any forms of conveyance of information including communication via telecommunication networks; temporary suspension of provision of telecommunication services, e.g. mobile telephone communications. The head of operational matters or a person appointed by him defines the rules of conduct of journalists in the counter-terrorist operation zone (Art. 20).

О противодействии терроризму, Информационный бюллетень, 2010, No. 46.

http://www.iacis.ru/html/?id=22&pag=732&nid=1

Model Statute On Countering Terrorism, 33rd plenary meeting of the CIS Interparliamentary Assembly (Resolution No. 33-18 of 3 December 2009), Информационный бюллетень, 2010, No. 46

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