

ATTACHMENT B: Relevant Provisions of Normative Documents of the Shanghai Cooperation Organization

The entirety of each of the normative documents referenced in this attachment, as listed below, is available in Human Rights in China's whitepaper, *Counter-Terrorism and Human Rights: The Impact of the Shanghai Cooperation Organization*.¹

The Shanghai Convention on Combating Terrorism, Separatism and Extremism – June 15, 2001, arts. 1, 2, 3, 8, 10 ²	2
Agreement Between the Member States of the Shanghai Cooperation Organization on the Regional Anti-Terrorist Structure – June 7, 2002, art. 6 ³	5
Charter of the Shanghai Cooperation Organization – June 7, 2002, arts. 1, 3, 4, 10 ⁴	7
Agreement on the Database of the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization – June 28, 2004, art. 3 ⁵	10
Concept of Cooperation Between SCO Member States in Combating Terrorism, Separatism, and Extremism – June 5, 2005, preamble, arts. 2, 3 ⁶	11
Declaration of Heads of Member States of SCO – July 5, 2005, art. 3 ⁷	15
The Convention on Counter-Terrorism of the Shanghai Cooperation Organization – June 16, 2009, arts. 2, 5, 9, 11, 14, 18, 23 ⁸	18

The Shanghai Convention on Combating Terrorism, Separatism and Extremism

Article 1

1. For the purposes of this Convention, the terms used in it shall have the following meaning:
 - 1) “terrorism” means:
 - a) any act recognized as an offence in one of the treaties listed in the Annex to this Convention (hereinafter referred to as “the Annex”) and as defined in this Treaty;
 - b) any other act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict or to cause major damage to any material facility, as well as to organize, plan, aid and abet such act, when the purpose of such act, by its nature or context, is to intimidate a population, violate public security or to compel public authorities or an international organization to do or to abstain from doing any act, and prosecuted in accordance with the national laws of the Parties;
 - 2) “separatism” means any act intended to violate territorial integrity of a State including by annexation of any part of its territory or to disintegrate a State, committed in a violent manner, as well as planning and preparing, and abetting such act, and subject to criminal prosecuting in accordance with the national laws of the Parties;
 - 3) “extremism” is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.
2. This Article shall not affect any international treaty or any national law of the Parties, provides or may provide for a broader application of the terms used in this Article.

Article 2

1. The Parties, in accordance with this Convention and other international obligations and with due regard for their national legislations, shall cooperate in the area of prevention, identification and suppression of acts referred to in Article 1 (1) of this Convention.
2. In their mutual relations, the Parties shall consider acts referred to in Article 1 (1) of this Convention as extraditable offences.
3. In the course of implementation of this Convention with regard to issues concerning extradition and legal assistance in criminal cases, the Parties shall cooperate in conformity with international treaties to which they are parties and national laws of the Parties.

Article 3

The Parties shall take such measures as can prove necessary, including, as appropriate, in the field of their domestic legislation, in order to ensure that in no circumstances acts referred to in Article 1 (1) of this Convention should be subject to acquittal based upon exclusively political, philosophical, ideological, racial, ethnic, religious or any other similar considerations and that they should entail punishment proportionate to their gravity.

Article 8

1. Cooperation among central competent authorities of the Parties within the framework of this Convention shall be carried out in a bilateral or multilateral format on the basis of a request for assistance as well as by way of providing information upon the initiative of the central competent authority of a Party.
2. Requests or information shall be forwarded in writing. In case of urgency, the requests or information can be transmitted orally but within 72 hours thereafter they should be confirmed in writing and with the use of technical means of text transmission, as necessary. If there are any doubts about the authenticity of a request or information or the contents thereof additional confirmation or clarification of the above documents can be requested.
3. A request should contain the following:
 - a) the name of the requesting and requested central competent authorities;
 - b) purposes of and grounds for the request;
 - c) description of the contents of the assistance required;
 - d) any other information which could be useful for a timely and appropriate execution of the request;
 - e) degree of confidentiality, as necessary.
4. Requests or information transmitted in writing shall be signed by the head of the requesting central competent authority or his or her deputies or shall be certified by the official seal of that central competent authority.
5. Requests and documents transmitted therein, as well as information shall be provided by the central competent authority in one of the working languages mentioned in Article 15 of this Convention.

Article 10

The Parties will conclude a separate agreement and will adopt other necessary documents in order to establish and provide for functioning of a Parties' Regional Counter-terrorist Structure with the headquarters in Bishkek, the purpose of which would be to effectively combat the acts referred to in Article 1 (1) of this Convention.

Agreement Between the Member States of the Shanghai Cooperation Organization on the Regional Anti-Terrorist Structure

Article 6

The fundamental objectives and functions of RATS shall be:

1. developing of proposals and recommendations concerning the development of cooperation in combating terrorism, separatism, and extremism for the relevant SCO structures, including at the request of the Parties;
2. assistance to the competent agencies of the Parties at the request of one of the Parties in combating terrorism, separatism, and extremism, including in accordance with the provisions of the Convention;
3. collection and analysis of information received by RATS from the Parties regarding issues of combating terrorism, separatism, and extremism;
4. formation of the RATS database, specifically regarding:
 - international terrorist, separatist, and other extremist organizations, their structure, leaders, and members, other individuals associate with these organizations, as well as the financing sources and channels of these organizations;
 - status, dynamics, and trends in the spread of terrorism, separatism, and extremism that affect the interests of the Parties;
 - non-governmental organizations and individuals providing support for terrorism, separatism, and extremism;
5. providing information upon requests by the competent agencies of the Parties;
6. assistance in preparing and executing anti-terrorist command and staff exercises and operational and tactical exercises upon request by the Parties concerned;
7. assistance in the preparation and execution of operational search and other actions in combating terrorism, separatism, and extremism upon the request of the Parties;
8. assistance in conducting international searches for individuals alleged to have committed activities set forth in Article 1(1) of the Convention in order to criminally prosecute them;
9. participation in preparing international legal documents affecting issues of combating terrorism, separatism, and extremism;
10. assistance in training specialists and instructors for anti-terrorist subdivisions;

11. participation in preparing and conducting research and practice conferences and seminars, and assistance in exchanging experience regarding issues of combating terrorism, separatism, and extremism;
12. establishment and support of working contacts with international organizations engaged in issues of combating terrorism, separatism, and extremism.

Charter of the Shanghai Cooperation Organization

Article 1

Goals and Tasks

The main goals and tasks of SCO are:

to strengthen mutual trust, friendship and good neighborliness between the member States;

to consolidate multidisciplinary cooperation in the maintenance and strengthening of peace, security and stability in the region and promotion of a new democratic, fair and rational political and economic international order;

to jointly counteract terrorism, separatism and extremism in all their manifestations, to fight against illicit narcotics and arms trafficking and other types of criminal activity of a transnational character, and also illegal migration;

to encourage the efficient regional cooperation in such spheres as politics, trade and economy, defense, law enforcement, environment protection, culture, science and technology, education, energy, transport, credit and finance, and also other spheres of common interest;

to facilitate comprehensive and balanced economic growth, social and cultural development in the region through joint action on the basis of equal partnership for the purpose of a steady increase of living standards and improvement of living conditions of the peoples of the member States;

to coordinate approaches to integration into the global economy;

to promote human rights and fundamental freedoms in accordance with the international obligations of the member States and their national legislation;

to maintain and develop relations with other States and international organizations;

to cooperate in the prevention of international conflicts and in their peaceful settlement;

to jointly search for solutions to the problems that would arise in the 21st century.

Article 3

Areas of Cooperation

The main areas of cooperation within SCO shall be the following:

maintenance of peace and enhancing security and confidence in the region;

search of common positions on foreign policy issues of mutual interest, including issues arising within international organizations and international fora;

development and implementation of measures aimed at jointly counteracting terrorism, separatism and extremism, illicit narcotics and arms trafficking and other types of criminal activity of a transnational character, and also illegal migration;

coordination of efforts in the field of disarmament and arms control;

support for, and promotion of regional economic cooperation in various forms, fostering favorable environment for trade and investments with a view to gradually achieving free flow of goods, capitals, services and technologies;

effective use of available transportation and communication infrastructure, improvement of transit capabilities of member States and development of energy systems;

sound environmental management, including water resources management in the region, and implementation of particular joint environmental programs and projects;

mutual assistance in preventing natural and man-made disasters and elimination of their implications;

exchange of legal information in the interests of development of cooperation within SCO;

development of interaction in such spheres as science and technology, education, health care, culture, sports and tourism.

The SCO member States may expand the spheres of cooperation by mutual agreement.

Article 4

Bodies

1. For the implementation of goals and objectives of the present Charter the following bodies shall operate within the Organization:

The Council of Heads of State;

The Council of Heads of Government (Prime Ministers);

The Council of Ministers of Foreign Affairs;

Meetings of Heads of Ministries and/or Agencies;

The Council of National Coordinators;

The Regional Counter-Terrorist Structure;

Secretariat.

2. The functions and working procedures for the SCO bodies, other than the Regional Counter-

Terrorist Structure, shall be governed by appropriate provisions adopted by the Council of Heads of State.

3. The Council of Heads of State may decide to establish other SCO bodies. New bodies shall be established by the adoption of additional protocols to the present Charter which enter into force in the procedure, set forth in Article 21 of this Charter.

Article 10

Regional Counter-Terrorist Structure

The Regional Counter-Terrorist Structure established by the member States of the Shanghai Convention to combat terrorism, separatism and extremism of 15 June, 2001, located in Bishkek, the Kyrgyz Republic, shall be a standing SCO body.

Its main objectives and functions, principles of its constitution and financing, as well as its rules of procedure shall be governed by a separate international treaty concluded by the member States, and other necessary instruments adopted by them.

Agreement on the Database of the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization

Article 3

The database shall be formed on the basis of information related to the competence of the Regional Anti-Terrorist Structure and that is received from the competent agencies of the Parties, from the agencies of the Shanghai Cooperation Organization, and from other sources, among which shall be the mass media (including print publications), telecommunications systems, and the Internet.

The database shall contain information on:

international terrorist, separatist, and extremist organizations, their structures, forms, and methods of action, their leaders, members, and other individuals affiliated with these organizations, as well as on the funding sources and channels of these organizations, including illegal trafficking in narcotic substances, psychotropic substances, and their precursors;

the status, dynamics, and trends in the spread of terrorism, separatism, and extremism;

organizations and individuals providing support to terrorist, separatist, and extremist organizations;

countermeasures to terrorism, separatism, and extremism;

the legislation of each of the Parties, including that regulating the activity of the competent agencies that collaborate with the Regional Anti-Terrorist Structure;

terrorist acts committed, and their forms and methods of commission;

the use of explosive devices (components of explosive devices), weapons, ammunition, and poisonous and other substances in the commission of terrorist acts.

Concept of Cooperation between SCO Member States in Combating Terrorism, Separatism, and Extremism

Preamble

The member states of the Shanghai Cooperation Organization (hereafter SCO member states) shall accept the Concept of Cooperation Between Member States of the Shanghai Cooperation Organization in Combating Terrorism, Separatism, and Extremism (hereinafter Concept), which is fundamental for the development of a joint strategy and system of measures for combating terrorism, separatism, and extremism as they are defined by the Shanghai Convention on Combating Terrorism, Separatism and Extremism of 15 June 2001, within the framework of the Shanghai Cooperation Organization (hereinafter SCO).

The present Concept shall determine the fundamental goals, objectives, principles, avenues, and forms of cooperation between SCO member states in combating terrorism, separatism, and extremism, as well as the mechanism of its implementation.

II. Fundamental Goals, Objectives, and Principles of Cooperation

1. The fundamental goals of cooperation shall be:
 - protecting SCO member states, their citizens, and other individuals on their territories from the threats of terrorism, separatism, and extremism;
 - developing the anti-terrorist capacity of SCO member states.

2. The fundamental objectives of cooperation are:
 - developing common approaches of SCO member states toward combating terrorism, separatism, and extremism;
 - improving the legal bases of cooperation, as well as developing and harmonizing the legislation of SCO member states in the realm of combating terrorism, separatism, and extremism;
 - uncovering and eliminating the reasons and conditions that promote terrorism, separatism, and extremism, and mitigating their consequences on SCO member territories;
 - preventing and halting terrorism, separatism, and extremism on SCO member territories;
 - counteracting the financing of terrorism, separatism, and extremism in any form;
 - increasing the effectiveness of the collaboration between the competent agencies of SCO member states in preventing, uncovering, halting, and investigating terrorism, separatism, and extremism, and in uncovering and halting the activities of organizations and individuals associated with them;

- assisting in the strengthening of international anti-terrorist cooperation and in the creation of a world atmosphere that completely rejects terrorism, separatism, and extremism.
3. The SCO member states are guided by the following principles in accomplishing the fundamental goals and resolving the fundamental objectives of cooperation in combating terrorism, separatism, and extremism:
- the observation of generally-recognized principles and norms of international law;
 - mutual trust;
 - mutual respect for sovereignty, equality, and territorial integrity;
 - the impermissibility of applying double standards in international efforts to combat terrorism, separatism, and extremism;
 - reciprocal recognition of a terrorist, separatist, or extremist act regardless of whether the legislation of SCO member states includes a corresponding act in the same category of crimes or whether the act is described using the very same terms;
 - the uncompromising nature of combating and the inescapability of punishment of individuals and organizations for terrorism, separatism, and extremism:
 - complex approach to combating terrorism, separatism, and extremism using preventative, legal, political, social and economic, propagandistic, and other measures;
 - the impermissibility of attributing combating terrorism to confessional and other overtones;
 - non-provision of support in any form to organizations and individuals associated with terrorist, separatist, and extremist activity;
 - non-provision of asylum to individuals associated with terrorist, separatist, and extremist activity;
 - unity of approach to the opportunity for taking adequate measures should threats arise from terrorism, separatism, and extremism to the security of SCO member states;
 - mutual protection of confidential information received in the process of cooperation;
 - acknowledgment of the priority of joint decisions on issues of combating terrorism, separatism, and extremism.

III. Fundamental Avenues of Cooperation

The fundamental avenues of cooperation shall be:

1. The formation of a single policy by SCO member states in the realm of combating terrorism,

- separatism, and extremism and the effectuation of inter-state coordination of this activity.
2. The development of unified approaches to stopping the activity of terrorist, separatist, and extremist organizations prohibited in SCO member states, including the creation of a unified list of such organizations with subsequent confiscation of their property and financial resources.
 3. The development and implementation of the anti-terrorist capacity of SCO member states.
 4. The inevitability of punishment for terrorism, separatism, and extremism.
 5. Creating and maintaining a single search registry of individuals wanted internationally for committing crimes of a terrorist nature or who are suspected of committing crimes of a terrorist nature.
 6. Improving the legal basis of cooperation in combating terrorism, separatism, and extremism.
 7. Developing and implementing a multinational system of measures for combating terrorism, separatism, and extremism.
 8. Developing legal, organizational, and other measures aimed at strengthening border and customs control with the goal of preventing terrorists, separatists, and extremists from penetrating SCO territory, and halting the illegal transport across the borders of SCO member states of resources used to commit terrorism, separatism, and extremism.
 9. Research and technological, informational, and analytical support for combating terrorism, separatism, and extremism.
 10. Providing assistance in mitigating consequences and in rehabilitating individuals injured by terrorism, separatism, and extremism.
 11. Prohibiting access by terrorists, separatists, and extremists to weapons of mass destruction and to the means of acquiring them, and to radioactive, toxic, and other dangerous substances, materials and the technologies for producing them.
 12. Counteracting all forms of financing terrorism, separatism, and extremism.
 13. Combating terrorism at facilities of national importance, vital facilities, critical infrastructure, and on all forms of transportation.
 14. Preventing the use or threatened use of local and global computer networks for purposes of terrorism (combating cyberterrorism).
 15. Collaboration with civil society and the mass media for purposes of counteracting terrorism, separatism, and extremism.
 16. Alignment of positions for participation in international organizations and forums regarding issues of combating terrorism, separatism, and extremism.

17. Participating in uniting the forces of the world community in formulating a global strategy for counteracting terrorism, separatism, and extremism.
18. Assisting third countries in combating terrorism, separatism, and extremism.
19. Improving the material and technical basis for combating terrorism, separatism, and extremism, including the development of special items, technology, and equipment for supplying special anti-terrorist units.
20. Compiling and circulating experiences on joint combating of terrorism, separatism, and extremism.
21. Training, retraining, and further specialized training of personnel for competent agencies of SCO member states.
22. Shaping public consciousness of the necessity of uncompromising struggle with terrorism, separatism, and extremism.

Declaration of Heads of Member States of Shanghai Cooperation Organization

Article III

The heads of the member states believe that joint efforts by the member states are required in order to effectively confront new challenges and threats to security and stability in the region and in the world.

Such joint efforts must be of a complex nature and tangibly contribute to providing the territories, population, key objects of life support and infrastructure of the member states with a reliable protection from the destructive effect of new challenges and threats, to creating necessary conditions for steady development and elimination of poverty on the SCO terrain, and include the following:

- development of a close cooperation between diplomatic, foreign, external economic and law enforcement bodies, intelligence and defense agencies of the member states;
- active exploitation of the mechanism of meetings of secretaries of national security councils of the member states;
- formulation of effective measures and mechanisms of SCO joint reaction to situations, which threaten peace, security and stability in the region;
- joint planning and conduct of antiterrorist activities;
- harmonization of national legislations on issues of security provision;
- cooperation on the invention and implementation of modern technical equipment used in fight against new challenges and threats;
- formation of an effective mechanism of mass media counteraction against new challenges and threats;
- training of respective personnel.

The SCO member states will prevent any attempts on their territories to prepare and commit acts of terror, including those aimed against the interests of other countries, not provide asylum for individuals, accused or suspected of conducting terrorist, separatist and extremist activity, and extradite such individuals at respective requests on the part of another SCO member state in strict accordance with the current legislation of the member states.

Measures will be taken to improve and enhance the effectiveness of the SCO Regional Antiterrorist Structure activity.

It is important that in the framework of fight against international terrorism the SCO solve problems, dealing with the liquidation of its material base, before all, through fighting illicit circulation of weapons, ammunition, explosives and drugs, transnational organized crime, illegal migration and mercenary activity. Special attention should be focused on preventing terrorists from misusing items of weapons of mass destruction, means of their delivery and on information terrorism.

Counteraction against the financing of terrorism, separatism and extremism, including the legalization of illegally made profits and money, urgently requires the formulation of united approaches and standards

of monitoring money remittance, movement of financial resources of organizations and individuals, suspected of involvement in terrorism, as well as an active engagement by the SCO in respective international efforts.

In compliance with the Agreement on cooperation in the fight against illicit circulation of narcotic means, psychotropic substances and their precursors, signed on June 17, 2004, a matter of high priority must be the deepening of cooperation on tackling illicit circulation of narcotic means, psychotropic substances and their precursors. The SCO is ready to actively participate in the international efforts on the formation of antinarcotic belts around Afghanistan, in formulation and realization of special programs, providing assistance for Afghanistan in order to stabilize its social, economic and humanitarian situation.

We are supporting and shall continue to support the efforts by the international coalition, conducting antiterrorist operation in Afghanistan. Today we are noticing the positive dynamics of stabilizing internal political situation in Afghanistan. A number of the SCO member states provided their ground infrastructure for temporary stationing of military contingents of some states, members of the coalition, as well as their territory and air space for military transit in the interest of the antiterrorist operation.

Considering the completion of the active military stage of antiterrorist operation in Afghanistan, the member states of the Shanghai Cooperation Organization consider it necessary, that respective members of the antiterrorist coalition set a final timeline for their temporary use of the above-mentioned objects of infrastructure and stay of their military contingents on the territories of the SCO member states.

Protection and development of key objects of infrastructure and transport are becoming ever more urgent in terms of preventing and tackling various kinds of technogenic disasters, consequences of which have already become an essential part of a set of threats to the new order. The SCO member states will work out multilateral mechanisms on a system of monitoring and exchange of analytical information in connection with possible disasters and their consequences, as well as on the creation of necessary legal and organizing conditions for conducting joint rescue operations, including education and training of personnel under united methods, its quick transfer and compatibility of technical means.

The SCO will be making a constructive contribution to the efforts by the world community on issues of providing security on land, at sea, in air space and in outer space.

In order to increase the fight potential of the member states of the Organization for combating terrorism, separatism, extremism and other challenges and threats, the SCO member states will consecutively expand their cooperation in economic area, guided by the Program of multilateral trade and economic cooperation and the Action Plan on its fulfillment. Practical steps will be taken in the field of ecology and rational use of natural resources.

Formulation of coordinated methods and recommendations on conducting prophylactic activities and respective explanatory work among the public in order to confront attempts of exerting a destructive influence on the public opinion is a vital task. The member states will actively contribute to the expansion of interaction within the SCO framework in such areas as education, culture, sport and tourism.

The heads of the member states proceed from the assumption that joining efforts in the SCO framework for the purpose of providing security and expanding the Organization's potential does not hurt the interests of other states and does not mean a movement towards the creation of any bloc, fully

corresponds to the SCO principle of outside openness and the spirit of broad international interaction in confronting new challenges and threats.

The Convention on Counter-Terrorism of the Shanghai Cooperation Organization

Article 2

1. For the purposes of this Convention the terms used herein are defined as follows:
 - 1) *Party* - a signatory to this Convention;
 - 2) *terrorism* - an ideology of violence, and the practice of exerting influence on the decision-making of governments or international organizations by threatening or committing violent and (or) other criminal acts, connected with intimidating the population and aimed at causing injury to private individuals, society or the state;
 - 3) *terrorist act* - any act connected with intimidating the population, endangering human life and well-being, and intended to cause significant property damage, ecological disaster or other grave consequences in order to achieve political, religious, ideological or other ends by exerting influence on the decision-making of governments or international organizations, or the threat of committing such acts;
 - 4) *terrorist organization*:
 - a) a criminal organization, illegal armed group, gang or criminal society formed with the intent to commit and (or) committing criminal acts covered by this Convention;
 - b) a legal entity in the name of which, at the behest of which, or on behalf of which any one of the criminal acts covered by this Convention is planned, organized, facilitated or perpetrated;
 - 5) *legal entity* - an organization incorporated and operating in accordance with the legal provisions of contracting states.
2. This Article is without prejudice to any international instrument or national law which does or may contain provisions of wider application of terms used herein.

Article 5

1. Each Party shall take the necessary measures to establish its jurisdiction over the offenses covered by this Convention in the following cases:
 - 1) when the offense has been committed in the territory of that Party;
 - 2) when the offense has been committed on board a vessel flying the flag of that Party or an aircraft registered under the laws of that Party;
 - 3) when the offence has been committed by a national of that Party.
2. Each Party may also establish its jurisdiction over offenses covered by this Convention in the

following cases:

- 1) when the offense was aimed at or resulted in the commission of a terrorist act inside the territory or against a national of that Party;
 - 2) when the offense was aimed at or has been committed against a Party's facility abroad, including its diplomatic missions or consular premises;
 - 3) when the offense was aimed at or resulted in the commission of a terrorist act for the purpose of compelling that Party to do or abstain from doing any act;
 - 4) when the offense has been committed by a stateless person with habitual residence in the territory of that Party;
 - 5) when the offense has been committed on board a vessel operated by that Party.
3. Each Party shall take such measures as may be necessary to establish its jurisdiction over the offenses covered by this Convention in cases where the alleged offender is present in its territory and it does not extradite that person to any of the Parties.
 4. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic laws.
 5. When more than one Party claims jurisdiction over an alleged offense covered by this Convention, the Parties involved shall, where appropriate, consult with a view to determine the most appropriate jurisdiction.

Article 9

1. Each Party shall adopt the necessary legislative measures to establish as criminally punishable offenses the following intentional acts:
 - 1) terrorist acts;
 - 2) any act recognized as a crime by any international counter-terrorism treaty to which all the Parties are signatories;
 - 3) forming and operating a legal entity for the purpose of planning, organizing, facilitating, or committing, any one of the offenses covered by subsections 1, 2, 4-10 of this section, or forming a criminal organization, an illegal armed group or gang, or entering into a conspiracy for the same purpose;
 - 4) public calls to terrorism or public justification of terrorism; i.e., the dissemination of any appeal to the public for the purpose of inciting the commission of any one of the offenses covered by subsections 1-3, 5-10 of this section, or public declarations calling for the support and emulation of terrorism;
 - 5) recruitment or other means of soliciting another person to participate in the planning or commission of any one of the offenses covered by subsections 1-4, 6-10 of this section;

- 6) training another person to commit or assist in the commission of any one of the offenses covered by subsections 1-5, 7-10 of this section;
 - 7) participation in a terrorist organization;
 - 8) financing terrorism; i.e. either collecting or providing funds or financial services with the intention or in the knowledge that they are to be used for planning, organizing, facilitating or committing any one of the offenses covered by subsections 1-7, 9, 10 of this section, or supporting the activities of a terrorist organization;
 - 9) furnishing another person with weapons, explosive substances, or other means of committing offenses covered by subsections 1-8, 10 of this section;
 - 10) sheltering, providing financial assistance, or assistance in fleeing justice to individuals suspected of or charged with committing any of the offenses covered by subsections 1-9 of this section, or giving false testimony on their behalf.
2. A Party may also establish as criminal offenses, in accordance with its domestic legal principles, the acts of knowingly harboring, transporting, purchasing or brokering the purchase of property belonging to individuals suspected of or charged with committing any of the offenses covered by section 1 of this article.
 3. Acts covered by subsections 3-10 of section 1 of this article are considered offenses regardless of whether a terrorist act was actually committed or whether the person recruited and (or) trained was aware of the terrorist nature of his actions.
 4. The Parties are likewise obligated to adopt the necessary legislative measures to establish as criminal offenses any and all acts of assisting in, planning or attempting to commit any of the offenses covered by section 1 of this Article.

Article 11

1. The offenses covered by this Convention shall be deemed by the Parties to be extraditable offenses, subject to the transfer of sentenced persons and provision of legal assistance.
2. The offenses described in this Convention shall be deemed to be included as extraditable offenses in any extradition treaty existing between any of the Parties. The Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be subsequently concluded between them.
3. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party shall consider this Convention, in accordance with its domestic legal principles, as a legal basis for extradition in respect of the offenses covered by this Convention.
4. Parties which do not make extradition conditional on the existence of a treaty shall recognize offenses covered by this Convention as extraditable offenses, subject to the conditions provided by the law of the requested Party.

5. In cases where the principle of dual criminality must be observed with respect to extradition or legal assistance, this principle shall be deemed observed regardless of whether the laws of the requested Party place the relevant act in the same category of offenses or describes it in the same terms as the requesting Party, if the act in question is deemed to be criminally punishable in accordance with the laws of the Parties.
6. For the purposes of extradition, offenses covered by this Convention shall be treated as if they had been committed in the territory of the Parties that have established jurisdiction in accordance with Article 5 of this Convention, regardless of where the offenses actually occurred.
7. The definition of offenses covered by this Convention and the legal basis establishing liability of legal entities complicit in commission thereof shall be within the scope of the national law of the Parties.
8. A person convicted of any one of the offenses covered by this Convention, may be handed over, with that person's consent, for the serving of his sentence, to the Party of which that person is a national, in accordance with an existing treaty or mutual accord, at the request of the prosecuting Party or the Party of which that person is a national.
9. The Party in the territory of which the individual who has committed any one of the offenses covered by this Convention is present, if it does not extradite that person solely on the grounds that that person is its national, is obliged to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that Party.

Article 14

1. The request shall be in writing and must list:
 - 1) the competent agencies of the requesting and requested Parties;
 - 2) the subject of and the grounds for the request.
 - 3) the substance of the case, including such facts (time, place and circumstances of commission) in connection with which search operations, investigation, or court proceedings are being conducted;
 - 4) statements of the laws or, where not possible, summaries of their provisions, as well as a statement that the requested measure or any other measure leading to analogous results may be undertaken in the territory of the requesting Party in accordance with its laws;
 - 5) an indication of the degree of restricted access, if necessary.
2. A request to impose sanctions on a legal entity must contain, in addition to items indicated in section 1 of this Article, the following:
 - 1) name of legal entity, information concerning its location, legal address, and its management;
 - 2) list of the sanctions;

- 3) statement of concrete actions requested by the requesting Party;
 - 4) information on property subject to seizure or confiscation (its location, connection to the offense in question, as well as any available information on the claims of other persons to that property);
 - 5) a certified copy of the decision of a court or another competent agency of the requesting Party and a summary of the grounds for that decision;
 - 6) a summary of the facts upon which a request is being made, which facts must be sufficient for the requested Party to make its decision, in accordance with its laws.
3. In cases where a request is made to question persons suspected or accused of a crime, it must be accompanied by certified copies of the necessary documents related to the case in question.
 4. The requested Party shall inform the requesting Party no later than 30 days from the date a request is received, unless otherwise agreed in each specific instance:
 - 1) of any actions undertaken with respect to the request and their outcome;
 - 2) of any circumstances that prevent or will substantially delay the fulfillment of the request.
 5. The requesting Party shall immediately inform the requested Party:
 - 1) of a reversed decision or any other circumstances in consequence of which the decision to impose sanctions upon a legal entity is partially or wholly voided;
 - 2) of any changes which render any action dictated by this Convention unwarranted.
 6. A Party petitioning for sanctions against a legal entity from several Parties on the basis of the same decision shall inform all Parties interested in the fulfillment of this decision.

Article 18

1. A Party conducting a criminal investigation of persons suspected of or charged in connection with offenses covered by this Convention, if it ascertains that such persons are present in the territory of another Party may, upon receiving permission from that Party's competent agencies, dispatch its agents to the territory of the requested Party to assist in search efforts or investigation.
2. Agents of the requesting Party may assist in search efforts or investigation on the territory of the requested Party in accordance with the laws of the requested Party and the international treaties to which the Parties are signatories.
3. The requested Party shall establish the procedures for granting permission to agents of the requesting Party to assist in search efforts or investigation as per request filed in accordance with Articles 14-18 of this Convention.
4. In cases where agents of competent agencies are dispatched to assist in search efforts or

investigation, a request for their participation must be accompanied by the following:

- 1) the agents' personal information;
 - 2) purpose of travel, a list of search and investigative actions, a statement of the time frame and manner in which they are to be conducted;
 - 3) in cases where vehicles are used: types of vehicle used, number of vehicles and registration information for each vehicle;
 - 4) any other information as necessary.
5. The competent agency of the requested Party shall make a decision within five days from the date a request is received and inform the requesting Party without delay. Any decision may include conditions imposed by the requested Party's competent agency.
 6. In cases where a request for permission does not confirm to requirements indicated in section 4 of this Article, or is in some way incomplete, the competent agency of the requested Party may request additional information.
 7. Agents of the requesting Party's competent agencies deployed in the territory of the requested Party in accordance with established procedures shall abide by the laws of the host Party and by any other conditions governing their mission.
 8. Agents of the requesting Party's competent agencies assisting in search efforts or investigation in the territory of the requested Party conducted by agents of the requested Party's competent agencies are obligated:
 - 1) to comply with the laws of the Party in whose territory they are present and to abide by the legal requirements of the host Party's agencies;
 - 2) to furnish the requested Party with any information they receive.
 9. Participation in search efforts or investigation shall be terminated without delay on the request of the competent agency of the party in whose territory they are being conducted.
 10. Parties may conclude separate agreements concerning any provisions stated in this Article.

Article 23

The Parties shall take the necessary measures to prevent the granting of refugee status and corresponding documents to persons complicit in offenses covered by this Convention.

Endnotes

¹ Human Rights in China, Counter-Terrorism and Human Rights: *The Impact of the Shanghai Cooperation Organization* (New York: Human Rights in China, 2011), Appendix A, <http://www.hrichina.org/research-and-publications/reports/sco>.

² SCO, *The Shanghai Convention on Combating Terrorism, Separatism and Extremism*, June 15, 2001, <http://www.sectSCO.org/EN/show.asp?id=68>.

³ SCO, Соглашение между государствами – членами ШОС о Региональной антитеррористической структуре {*Agreement Between the Member States of the Shanghai Cooperation Organization on the Regional Anti-Terrorist Structure*}, June 7, 2002, http://www.ecrats.com/ru/normative_documents/1557. Unofficial translation from the original Russian by International Federation for Human Rights.

⁴ SCO, *Charter of the Shanghai Cooperation Organization*, June 7, 2002, <http://www.sectSCO.org/EN/show.asp?id=69>.

⁵ SCO, Соглашение о банк данных Региональной антитеррористической структуре Шанхайской организации сотрудничества {*Agreement on the Database of the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization*}, June 28, 2004, http://www.lawrussia.ru/texts/legal_123/doc123a379x562.htm. Unofficial translation from the original Russian by International Federation for Human Rights.

⁶ SCO, Концепция сотрудничества государств – членов ШОС в борьбе с терроризмом, сепаратизмом и экстремизмом {*Concept of Cooperation Between SCO Member States in Combating Terrorism, Separatism, and Extremism*}, June 5, 2005, http://www.ecrats.com/ru/normative_documents/1558. Unofficial translation from the original Russian by International Federation for Human Rights.

⁷ Declaration of Heads of Member States of the Shanghai Cooperation Organization, July 5, 2005, available at http://www1.chinadaily.com.cn/china/2006-06/12/content_6020345.htm.

⁸ SCO, КОНВЕНЦИЯ Шанхайской организации сотрудничества против терроризма {*The Convention on Counter-Terrorism of the Shanghai Cooperation Organization*}, June 16, 2009, [http://asozd2.duma.gov.ru/main.nsf/\(ViewDoc\)?OpenAgent&work/dz.nsf/ByID&1CB3AD654A8490D2C3257752002C8E0B](http://asozd2.duma.gov.ru/main.nsf/(ViewDoc)?OpenAgent&work/dz.nsf/ByID&1CB3AD654A8490D2C3257752002C8E0B). Unofficial translation from the original Russian by Human Rights in China and International Federation for Human Rights.