

The Shanghai Convention on Combating Terrorism, Separatism and Extremism

2009-5-7

The Republic of Kazakhstan, the Peoples' Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tadjikistan, and the Republic of Uzbekistan (hereinafter referred to as "the Parties"),
guided by the purposes and principles of the Charter of the United Nations concerning primarily the maintenance of international peace and security and the promotion of friendly relations and cooperation among States;
aware of the fact that terrorism, separatism and extremism constitute a threat to international peace and security, the promotion of friendly relations among States as well as to the enjoyment of fundamental human rights and freedoms;
recognizing that these phenomena seriously threaten territorial integrity and security of the Parties as well as their political, economic and social stability;
guided by the principles of the Almaty Joint Statement of 3 July 1998, the Bishkek Declaration of 25 August 1999, the Dushanbe Declaration of 5 July 2000 and the Declaration on the Establishment of the Shanghai Cooperation Organization of 15 June 2001;
firmly believing that terrorism, separatism and extremism, as defined in this Convention, regardless their motives, cannot be justified under any circumstances, and that the perpetrators of such acts should be prosecuted under the law;
believing that joint efforts by the Parties within the framework of this Convention are an effective form of combating terrorism, separatism and extremism, have agreed as follows:

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 4

1. Within 60 days after the Depositary has been notified about the completion of internal procedures necessary for the entry into force of this Convention, a Party shall provide to the Depositary, through diplomatic channels, in writing a list of its central competent authorities responsible for the implementation of this Convention, and the Depositary shall transmit the above list to other Parties.

2. Central competent authorities of the Parties in charge of issues relating to implementation of the provisions of this Convention shall directly communicate and interact with each other.

3. In case of any amendments to the list of central competent authorities of a Party, that Party shall send an appropriate notification to the Depositary who shall inform the other Parties accordingly.

Article 5

Upon mutual consent, the Parties can hold consultations, exchange views and coordinate their positions on issues of combating acts referred to in Article 1 (1) of this Convention, including within international organizations and at international fora.

Article 6

In accordance with this Convention, the central competent authorities of the Parties shall cooperate and assist each other through:

- 1) exchange of information;
- 2) execution of requests concerning operational search actions;

- 3) development and implementation of agreed measures to prevent, identify and suppress acts referred to in Article 1 (1) of this Convention, as well as mutual information on the results of their implementation;
- 4) implementation of measures to prevent, identify and suppress, in their territories, acts referred to in Article 1 (1) of this Convention, that are aimed against other Parties;
- 5) implementation of measures to prevent, identify and suppress financing, supplies of weapons and ammunition or any other forms of assistance to any person and/or organization for the purpose of committing acts referred to in Article 1 (1) of this Convention;
- 6) implementation of measures to prevent, identify, suppress, prohibit or put an end to the activities aimed at training individuals for the purpose of committing acts referred to in Article 1 (1) of this Convention;
- 7) exchange of regulatory legal acts and information concerning practical implementation thereof;
- 8) exchange of experience in the field of prevention, identification or suppression of acts referred to in Article 1 (1) of this Convention;
- 9) various forms of training, retraining or upgrading of their experts;
- 10) conclusion, upon mutual consent of the Parties, of agreements on other forms of cooperation, including, as appropriate, practical assistance in suppressing acts referred to in Article 1 (1) of this Convention and mitigating consequences thereof. Such agreements shall be formalized in appropriate protocols that shall form an integral part of this Convention.

Article 7

The central competent authorities of the Parties shall exchange information of mutual interest, *inter alia*, on:

- 1) planned and committed acts referred to in Article 1 (1) of this Convention, as well as identified and suppressed attempts to commit them;
- 2) preparations to commit acts referred to in Article 1 (1) of this Convention, aimed against heads of state or other statesmen, personnel of diplomatic missions, consular services and international organizations, as well as other persons under international protection and participants in governmental visits, international and governmental political, sports and other events;
- 3) organizations, groups and individuals preparing and/or committing acts referred to in Article 1 (1) of this Convention or otherwise participating in those acts, including their purposes, objectives, ties and other information;
- 4) illicit manufacturing, procurement, storage, transfer, movement, sales or use of strong toxic, and poisonous substances, explosives, radioactive materials, weapons, explosive devices, firearms, ammunition, nuclear, chemical, biological or other types of weapons of mass destruction, as well as materials and equipment which can be used for their production, for the purpose of committing acts referred to in Article 1 (1) of this Convention;
- 5) identified or suspected sources of financing of acts indicated in Article 1 (1) of this Convention;

- 6) forms, methods and means of committing acts indicated in Article 1 (1) of this Convention.

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 9

1. The requested central competent authority shall take all necessary measures to ensure a prompt and most complete execution of the request and, within the shortest possible time, shall provide information on the results of its consideration.

2. The requesting central competent authority shall be notified, without delay, about the circumstances that prevent or significantly hamper the execution of a request.

3. If the execution of a request is outside the competence of the requested central competent authority that authority shall transmit the request to another central competent authority of its State, which has the competence to execute it and shall without delay notify the requesting central competent authority accordingly.

4. The requested central competent authority can request additional information which it considers necessary for the execution of the request.

5. Requests shall be executed on the basis of the legislation of the requested Party. Upon request by the requesting central competent authority, the legislation of the requesting Party may be applied if this does not contradict fundamental legal principles or international obligations of the requested Party.

6. Execution of a request can be postponed or denied completely or in part in case the requested central competent authority considers that its execution could prejudice the sovereignty, security, public order or other substantial interests

of its State or that it contradicts the legislation or international obligations of the requested Party.

7. Execution of a request can be denied if the act in connection with which the request was made does not constitute an offence under the legislation of the requested Party.

8. If, in accordance with paragraph 6 or 7 of this Article, the execution of a request is denied in full or in part or if it is postponed, the requesting central competent authority shall be notified accordingly in writing.

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.

Article 11

1. For the purposes of implementation of this Convention, central competent authorities of the Parties may establish emergency lines of communication and hold regular and extraordinary meetings.

2. For the purposes of implementation of the provisions of this Convention, the Parties may, as necessary, provide technical and material assistance to each other.

3. Materials, special means, facilities and technical equipment received by a Party on the basis of this Convention from another Party shall not be subject to transfer without a prior written consent of the providing Party.

4. Information about methods of conducting operational search activities, specifications of special forces and means and supporting materials used by central competent authorities of the Parties in order to provide assistance within the framework of this Convention, shall not be subject to disclosure.

Article 12

The central competent authorities of the Parties may conclude specific agreements among them governing modalities for the implementation of this Convention.

Article 13

1. Each Party shall assure the confidential nature of the information and documents received if they are sensitive or if the providing Party considers their disclosure undesirable. The degree of sensitiveness of such information and documents shall be determined by the providing Party.

2. Without a written consent of the providing Party, the information or response to the request received pursuant to this Convention, may not be used for purposes other than those for which they were requested or provided.

3. The information and documents received by a Party pursuant to this Convention from another Party shall not be transmitted without a prior written consent of the providing Party.

Article 14

Each Party shall bear independently the costs of the implementation of this Convention, unless otherwise agreed.

Article 15

The working languages to be used by the central competent authorities of the Parties in their cooperation within the framework of this Convention shall be Chinese and Russian.

Article 16

This Convention shall not limit the right of the Parties to conclude other international treaties on matters that constitute the subject of this Convention and do not contradict its purposes and object, nor shall it affect the rights and obligations of the Parties under other international treaties to which they are Parties.

Article 17

Any disputes, concerning interpretation or application of this Convention shall be settled through consultation and negotiation between the interested Parties.

Article 18

1. This Convention shall be deposited with the People's Republic of China. Official copies of this Convention shall be sent by the Depositary to other Parties in the course of 15 days after its signing.
2. This Convention shall enter into force on the thirtieth day following the receipt by the Depositary the last notification in writing from the Republic of Kazakhstan, the People's Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan, or the Republic of Uzbekistan informing it of the completion of national procedures necessary for this Convention to enter into force.

Article 19

1. Following the entry into force of this Convention other States may, subject to the consent of all the Parties, accede to it.
This Convention shall enter into force for each acceding State on the thirtieth day following the receipt by the Depositary of a notification in writing informing it of the completion of national procedures necessary for this Convention to enter into force. On this date, the acceding State shall become Party to this Convention.

Article 20

1. Amendments and additions may, subject to the consent of all Parties, be made to the text of this Convention, which shall be effected by Protocols being an integral part of this Convention.
2. Any Party may withdraw from this Convention by notifying in writing the Depositary of the decision 12 months prior to the date of anticipated withdrawal. The Depositary shall inform the other Parties of this intention within a 30-day period following the receipt of the notification of withdrawal.

Article 21

1. When forwarding to the Depositary its notification of the completion of internal procedures necessary for this Convention to enter into force, a Party which does not participate in one of the treaties enumerated in the Annex may declare that this Convention shall be applied to the Party with that treaty regarded as not included in the Annex. Such declaration shall cease to be effective after notifying the Depositary of the entry of that treaty into force for the Party.
2. When one of the treaties listed in the Annex ceases to be effective for a Party, the latter shall make a declaration as provided for in paragraph 1 of this Article.
3. The Annex may be supplemented by treaties that meet the following conditions:
 - 1) they are open for signature to all States;
 - 2) they entered into force; and
 - 3) they were ratified, accepted, approved or acceded to by at least three Parties to this Convention.
4. After the entry into force of this Convention, any Party may propose an amendment to the Annex. The proposal for amending the Annex shall be forwarded to the Depositary in written form. The Depositary shall notify all the proposals that meet the requirements of paragraph 3 of this Article to the other Parties and seek their views on whether the proposed amendment should be adopted.
5. The proposed amendment shall be considered adopted and shall come into force for all the Parties 180 days after the Depositary has circulated the proposed amendment, except when one-third of the Parties to this Convention inform in writing the Depositary of their objections to it.