

The Shanghai Convention on combating terrorism, separatism and extremism

(unofficial translation)

The Republic of Kazakhstan, the People's Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan (hereinafter referred to as the Parties),

guided by the objectives and principles of the UN Charter foremost concerning the maintenance of international peace and security, the development of friendly relations and cooperation between states;

realizing that terrorism, separatism and extremism constitute a threat to international peace and security, development of friendly relations between states, and implementation of the primary rights and freedoms of people;

recognizing that the above phenomena seriously threaten the territorial integrity and security of the Parties, and their political, economic and social stability;

guided by the principals of the Alma-Aty Joint Statement of July 3, 1998, the Bishkek Declaration of August 25, 1999, the Dushanbe Declaration of July 5, 2000 and the Declaration on the Creation of the Shanghai Cooperation Organization of June 15, 2001;

being firmly convinced that terrorism, separatism and extremism, as they are defined in the present Convention, irrespective of their motives, cannot be justified under any circumstances, and persons that are guilty of committing such deeds, must be brought to liability in conformity with the law;

being convinced that the joint efforts of the Parties within the framework of the present Convention are an effective form of the struggle with terrorism, separatism and extremism,

have agreed on the following:

Article 1

1. For the purposes of the present Convention the terms used in it mean:

1) "terrorism":

a) any deed recognized as a crime in one of the treaties listed in the Annex to the present Convention (hereinafter referred to as Annex), and as it is defined in this treaty;

b) any other deed aimed at causing death of any civil person or of any other person not taking active part in hostilities in the situation of an armed conflict, or causing him a serious bodily injury, and causing a considerable material damage to any material object, as well as the organization, the planning of such a deed, assistance in its commitment, incitement to it, when the purpose of such deed due to its character or nature, consists in intimidation of the population, breaching the public

security or forcing state authorities or an international organization to commit any action or refrain from its commitment,

and that are subject to criminal prosecution in accordance with the national legislation of the Parties;

2) “separatism” – any deed aimed at breaching the territorial integrity of a state, including those aimed at separation of a part of its territory or disintegration of the state, committed by violence, as well as the planning and preparation of such deed, assistance in its commitment, incitement to it,

and that are subject to criminal prosecution in accordance with the national legislation of the Parties;

3) “extremism” – any deed aimed at a violent seizure of power or violent holding of power, and at violent change of the constitutional order of the state, as well as a violent encroachment on public security, including the organization, for the above purposes, of illegal armed formations or participation in them,

and that are subject to criminal prosecution in accordance with the national legislation of the Parties.

2. The present Article shall not prejudice any international treaty or any national legislation of the Parties, which contain or may contain a provision on a broader application of the terms used in the present Article.

Article 2

1. The Parties in conformity with the present Convention, other international obligations, as well as taking into consideration their national legislation, shall cooperate in the sphere of prevention, search and suppression of the deeds indicated in Article 1, paragraph 1 of the present Convention.

2. In the relations between them the Parties consider the deeds, indicated in item 1 of article 1 of the present Convention as crimes entailing extradition.

3. In the course of realization of the present Convention in the issues connected with extradition and rendering legal assistance on criminal cases, the Parties carry out cooperation in accordance with international treaties, in which they participate, and taking into account the national legislation of the Parties.

Article 3

The Parties take such measures which may be necessary, including relevant cases in the field of national legislation, to ensure that the deeds indicated in item 1 of article 1 of the present Convention, were not subject under any circumstances to acquittal on consideration of exclusively political, philosophic, ideological, racial, ethnic, religious or any other character and entailed punishment in accordance with their seriousness.

Article 4

1. Within 60 days after the notification of the depositary about the fulfillment of the intrastate procedures necessary for the coming into force of the present Convention. The Party provides the depositary through diplomatic channels in writing a list of its central competent organs responsible for the fulfillment of the present Convention, which the depositary dispatches to the other Parties.

2. The central competent organs of the Parties on issues connected with the fulfillment of the provisions this Convention contact and interact between themselves directly.

3. In case of making amendments in the list of central competent organs of any Party it notifies the depositary about this, which sends this information to the other Parties.

Article 5

Upon mutual consent the Parties may hold consultations, exchange opinions, coordinate their positions on the issues of combating the deeds indicated in item 1 of Article 1 of the present Convention, including at international organizations and international forums.

Article 6

The central competent organs of the Parties in accordance with the present Convention carry out cooperation and render assistance to each other by way of:

- 1) exchange of information;
- 2) execution of inquiries on carrying out operational search actions;
- 3) development and adoption of coordinated measures for prevention, detection and forestalling of the deeds indicated in item 1 of Article 1 of the present Convention and reciprocal notification on the results of their implementation;
- 4) adoption of measures for prevention, detection and forestallment on the territory of their state of the deeds indicated in item 1 of Article 1 of this Convention, aimed against the other Parties;

5) adoption of measures for prevention, detection and forestallment of financing, supplies of arms and ammunition, rendering other assistance to any person and/or organizations for the commitment of deeds indicated in item 1 of Article 1 of this Convention;

6) adoption of measures for prevention, detection, forestallment and banning the activity for training of persons to commit deeds indicated in item 1 of Article 1 of this Convention;

7) exchange of normative legal acts and materials on the practice of their application;

8) exchange of experience of work for prevention, detection and forestallment of the deeds indicated in item 1 of Article 1 of this Convention;

9) training, retraining and raising skills of their specialists in different forms;

10) achievement upon mutual consent of the Parties of understandings on other forms of cooperation, including, if need be, rendering of practical assistance on forestalling the deeds indicated in item 1 of Article 1 of this Convention, and liquidation of their consequences. Such understandings are formalized by relevant protocols, which constitute an integral part of the present Convention.

Article 7

The central competent organs of the Parties exchange information of mutual interest, in particular, on:

1) imminent and accomplished deeds indicated in item 1 of Article 1 of this Convention, detected, and also forestalled attempts of their commitment;

2) preparation to commit deeds indicated in item 1 of Article 1 of this Convention, in regard to Heads of State and other statesmen, employees of diplomatic representations, consular offices and international organizations, other persons, enjoying international protection, and also participants of state visits, international and state political, sporting and other events;

3) organizations, groups and individuals preparing and/or committing deeds indicated in item 1 of Article 1 of this Convention, and also otherwise participating in these deeds, including their goals, tasks, ties and other data;

4) illegal manufacture, acquisition, storage, transfer, movement, sale and use of potent toxic, poisonous, explosive substances, radioactive materials, arms, explosive devices, fire arms, ammunition, nuclear, chemical, biological and other types of mass destruction weapons, materials and equipment, which can be used in the process of its creation, to commit deeds indicated in item 1 of Article 1 of this Convention;

5) detected or implicit sources of financing the deeds indicated in item 1 of Article 1 of this Convention;

6) forms, methods and means of commitment of deeds indicated in item 1 of Article 1 of this Convention.

Article 8

1. The interaction between the central competent organs of the Parties within the framework of this Convention is carried out in bilateral and multi-lateral formats on the basis of the inquiry to render assistance, and also by way of informing on the initiative of the central competent organ of one of the Parties.

2. An inquiry or information are sent in writing. In urgent cases an inquiry or information can be sent orally, but no later than in 72 hours they must be confirmed in writing, if need be, with the use of technical means of transmission of the text.

In case of a rise of doubts in the genuineness of inquiry or information or their content it is possible to request an additional confirmation or explanation of the indicated documents.

3. The inquiry must contain:

- a) name of the inquirer and the inquired of the central competent organs;
- b) goals and substantiation of the inquiry;
- c) description of the content of the inquired assistance;
- d) other information, which can be useful for a timely and due use of the inquiry;
- e) indication of the degree of its secrecy, if this is needed.

4. The inquiry or information sent in writing are signed by the manager of the inquiring central competent organ or his deputies or certified by an official seal of that central competent organ.

5. The inquiry and the documents accompanying it, and also information are sent by the central competent organ in one of the working languages indicated in Article 15 of this Convention.

Article 9

1. The inquired central competent organ takes all the necessary measures to ensure a rapid and possibly more complete execution of the inquiry and in possibly short time limits informs on the results of its consideration.

2. The inquiring central competent organ is immediately notified about the circumstances hampering the execution of the inquiry or essentially delaying its execution.

3. If the execution of the inquiry is outside the competence of the inquired central competent organ, it transfers the inquiry to another central competent organ of its state, which is competent to execute it, and immediately notifies about that the inquiring central competent organ.

4. The inquired central competent organ may request additional information necessary, in its opinion, for the execution of the inquiry.

5. The legislation of the inquired Party is applied in the execution of the inquiry. Upon request of the inquiring central competent organ the legislation of the inquiring Party may be applied, if this does not contradict the basic principles of the legislation or international obligations of the inquired Party.

6. The execution of the inquiry can be postponed or its may be refused completely or partially, if the inquired central competent organ believes that its execution can inflict damage to sovereignty, security, public order or other essential interests of its state or contradicts the legislation or international obligations of the inquired Party.

7. The execution of the inquiry may be denied, if the deed, in connection with which it was received, is not a crime under the legislation of the inquired Party.

8. If in accordance with items 6 or 7 of the present article a refusal is made fully or partially in the execution of the inquiry or its execution is postponed, the inquiring central competent organ is notified in writing.

Article 10

The Parties will conclude a separate agreement and adopt other necessary documents with a view to create and provide for the functioning of a regional antiterrorist structure of the Parties located in Bishkek for an effective fight with the deeds indicated in item 1 of Article 1 of the present Convention.

Article 11

1. In view of realization of this Convention the central competent organs of the Parties may set up a line of urgent communication and hold scheduled or extraordinary meetings.

2. For purpose of the implementation of the provisions of this Convention the Parties can if need be provide technical and material assistance to each other.

3. Materials, special means, equipment and materiel received by one Party on the basis of this Convention from the other Party, without preliminary written consent of the Party that supplied them shall not be subject to transfer.

4. The data shall not be subject to disclosure on the methods of holding operational search measures, characteristics of special forces and means, material supplies used by the central competent organs of the Parties for rendering assistance within the framework of this Convention.

Article 12

The central competent organs of the Parties may conclude agreements between them, regulating in greater detail the order of execution of this Convention.

Article 13

1. Each Party provides for the confidentiality of the information and document received, if they are of secret nature or the transferring Party considers their disclosure undesirable. The degree of secrecy of information and documents shall be determined by the transferring Party.

2. The information or the results of the execution of the inquiry received on the basis of this Convention, without a written consent of the Party that granted them cannot be used for other purposes than those for which they were requested or granted.

3. The information and documents received by one Party on the basis of this Convention from the other Party, without the preliminary consent that granted them, are not subject to transfer.

Article 14

The Parties independently bear the costs connected with the execution by them of this Convention, if not otherwise agreed.

Article 15

The Russian and Chinese languages are the working languages during the implementation of cooperation by the central competent organs within the framework of this Convention.

Article 16

The present Convention does not limit the rights of the Parties to conclude other international agreements on the issues which are the subject of this Convention and which do not contradict its goals and object, and also do not concern the rights and obligations of the Parties, stemming from other international agreements, whose participants they are.

Article 17

Disputable issues arising during interpretation or application of this Convention shall be resolved by way of consultations and negotiations between the Parties concerned.

Article 18

1. The Chinese People's Republic shall be the depository of this Convention.

The official copies of the present Convention are sent out by the depository to other Parties within 15 days after its signature.

2. The present Convention comes into force on the 30th day after receipt by the depository of the last of the notices in writing from the Republic of Kazakhstan, the Chinese People's Republic, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan on the fulfillment by them of the intrastate procedures necessary for the coming of this Convention into force.

Article 19

1. Other states may join it after the coming of the present Convention into force with the consent of all Parties to it.

2. For a joined state this Convention comes into force on the 30th day after receipt by the depository of the notice on the fulfillment by it of the intrastate procedures necessary for the coming of the present Convention into force. From that date the joined states become a Party to the present Convention.

Article 20

1. Amendments and additions may be made in the text of this Convention upon consent of all Parties, which are formalized by Protocols, being an integral part of the present Convention.

2. Any Party may leave this Convention by sending a written notification about this to the depository 12 months in advance of the would-be date of departure.

The depository notifies other Parties about this intention within 30 days from the moment of receipt of the notification about the departure.

Article 21

1. At moment of handing over the notice to the depository on the fulfillment of the intrastate procedure necessary for the coming of the present Convention into force, the Party, not participating in one of the treaties listed in the Attachment may declare that in applying this Convention to this Party it is believed that this treaty is not included in the Attachment. Such statement becomes invalid after the notification of the depository about the coming of this treaty into force for this Party.

2. When the Party ceases to be a participant of one of the treaties listed in the Attachment, it makes a statement, as this is envisaged by item 1 of the present article.

3. The Attachment can be extended by the treaties which comply with the following conditions:

- 1) open for participation to all states;
- 2) have come into force;
- 3) were ratified, adopted, approved or which were joined by at least three Parties of the present Convention.

4. After the coming of the present Convention into force any Party may propose an amendment to the Attachment. The proposal on making the above amendment to the Attachment shall be submitted to the depositary in writing. The depositary notifies the remaining Parties about all proposals answering the requirements of item 3 of the present Article and requests their opinions whether the proposed amendment should be accepted.

5. The proposed amendment is considered to be accepted and comes into force for all Parties in 180 days after the circulation by the depositary of the proposal about this amendment, save the cases, when one third of the Parties to the present Convention object to it, by notifying the depositary about this in writing.

Done at Shanghai on 15 June 2001 in one original copy in the Chinese and Russian languages, both texts being equally authentic.