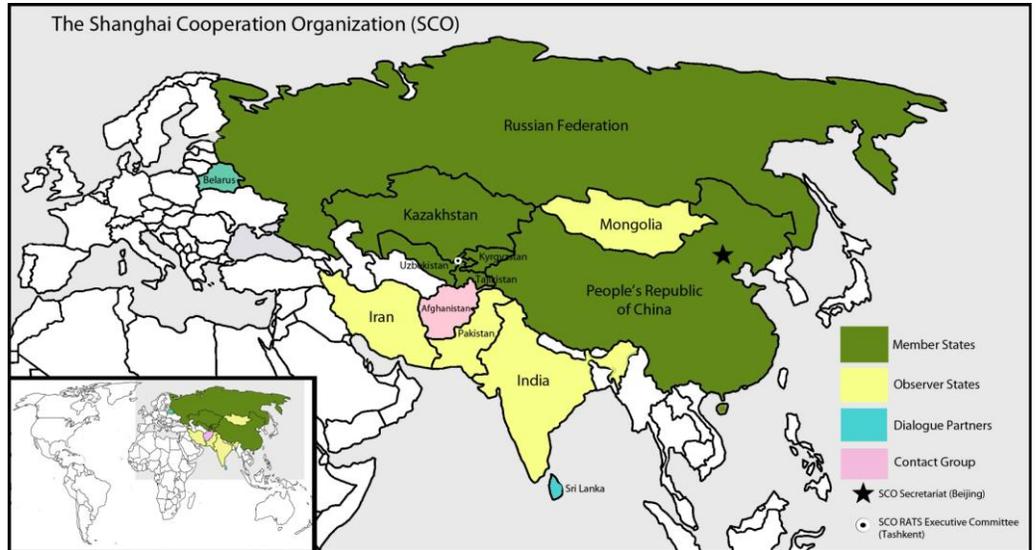


ATTACHMENT A: Shanghai Cooperation Organization and Counter-Terrorism Fact Sheet

Established: June 2001
Member states: China, the Russian Federation, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan
Combined land area and population: 30,189,000 square kilometers; 1.5 billion people
Purpose: “Cooperation in the maintenance and strengthening of peace, security and stability”; jointly counteracting “terrorism, separatism and extremism in all their manifestations”; and fighting against “illicit narcotics, arms trafficking and other types of criminal activity.”



Affiliated states: **Observer status states:** India, Iran, Mongolia, and Pakistan; **Dialogue partners:** Belarus and Sri Lanka; **Other affiliates:** Afghanistan (SCO-Afghanistan Contact Group).

INTERNATIONAL COUNTER-TERRORISM FRAMEWORK

CRITERIA FOR TERRORISM

There is not yet an internationally-agreed upon **definition** of terrorism. However, *Security Council Resolution 1566* stipulates **three criteria** as a baseline for establishing terrorism: the **offence** is within the scope of and as defined in the international conventions and protocols relating to terrorism; the **intention** is to cause death or serious bodily injury, or the taking of hostages; and the **purpose** is to provoke a state of terror in the public, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.

The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated: “Crimes not having the quality of terrorism, regardless of how serious, should not be the subject of counter-terrorist legislation. Nor should conduct that does not bear the quality of terrorism be the subject of counter-terrorism measures.”

RESPECT FOR HUMAN RIGHTS AND RULE OF LAW

The UN, particularly over the past decade, has emphasized the importance of respect for human rights in counter-terrorism efforts. For example:

Security Council Resolution 1456, adopted in 2003, requires that “States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.”

The **UN Global Counter-Terrorism Strategy** – the strategic and operational framework adopted by UN member states in 2006 – stipulates “measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism” as one of the four pillars of the strategy. (The three other pillars are: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; and measures to build states’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in the regard.)

SCO COUNTER-TERRORISM STRUCTURE, POLICIES, PRACTICES

STRUCTURE

SCO Secretariat: Permanent executive body of the SCO, in Beijing, led by SCO Secretary-General Muratbek Imanaliev of Kyrgyzstan.

SCO Regional Anti-Terrorist Structure (RATS): Operational body that coordinates counter-terrorism cooperation among SCO member states; based in Tashkent, Uzbekistan; director: Dzhenisbek Dzhumanbekov of Kazakhstan.

- **RATS Council:** “Determine[s] the manner in which the **fundamental objectives and functions** of RATS . . . shall be carried out”; composed of heads of member state **national security services**, including Meng Hongwei, China’s Vice Minister of Public Security, and Sergey Smirnov, the Russian Federation’s First Deputy Director of the Federal Security Service.
- **RATS Executive Committee:** Heads the coordination of **operations and data exchange** among individual member states, including through a **RATS database**; “assist[s] in the **detection of terrorist attacks** prepared within the SCO member states.”

POLICIES

Areas targeted for security cooperation: terrorism, separatism, and extremism

- **2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism:** Links **terrorism** with **separatism** and **extremism** as co-equal targets for cooperative action in the SCO counter-terrorism framework. This formulation, incorporating the same acts targeted under **China’s “Three Evils” doctrine**, is broad enough to include **crimes against the state**; it does not limit application of counter-terrorism measures to acts intended to cause death or serious bodily injury to members of a population, a baseline criteria for terrorism articulated by the UN Security Council. The three enumerated targets are also highly politicized concepts within each of the SCO member states, and are considered **extraditable offenses** within the SCO framework.
- **2009 SCO Convention on Counter-Terrorism:** Supplements the 2001 *Shanghai Convention* with a focus on terrorism, which is broadly defined as an “**ideology of violence**” and a “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.**”

Parameters for multilateral intelligence and law enforcement cooperation

- **2001 Shanghai Convention:** Indicates that the “central competent authorities of the Parties shall **exchange information** of mutual interest” on planned or committed terrorist, separatist, or extremist

acts, as well as information about organizations, groups and individuals allegedly involved in such acts.

- **2004 Agreement on the Database of the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization:** Information flow into the **RATS database** takes place on the initiative of SCO member states or of RATS itself. Such information includes details on “international terrorist, separatist, and extremist organizations, their structures, forms, and methods of action, their leaders, members, and other individuals affiliated with these organizations.” Information contained within the database may be utilized by all member states, as, according to the **2002 Agreement Between the Member States of the Shanghai Cooperation Organization on the Regional Anti-Terrorist Structure**, RATS “provid[es] information upon requests by the competent agencies of the Parties.”
- **2009 SCO Convention on Counter-Terrorism:** Reiterates that “competent agencies of the Parties, upon request or on their own initiative, shall **exchange information** (documents, materials, or other information) regarding issues covered by this Convention for the purpose of preventing or combating terrorism.” Also provides a **legal basis on which agents** of a member state may, upon receipt of permission, **enter the territory** of another state in pursuit of a suspect.

PRACTICES

Pursuant to the *Shanghai Convention*, the *SCO Convention on Counter-Terrorism*, and additional SCO agreements, SCO member states engage in the following “counter-terrorism” practices:

- **Extraditions, forcible returns, and denials of asylum** for individuals accused or suspected of acts of terrorism, separatism, and extremism.
- **Collection and exchange of intelligence through the RATS database and blacklists on individuals and groups** identified as linked to terrorism, separatism, and extremism. In April 2010, it was revealed that RATS maintains lists of **42 organizations** and **over 1,100 persons**.
- **Joint military and law enforcement exercises**, which have taken place within the SCO framework **since 2002**. The largest, in 2005, included **approximately 10,000 troops**, with at least **8,000 from China**. These joint exercises are often **conducted in ethnic regions** and have been reported to simulate events involving government response to **civil unrest**.

SCO ENGAGEMENT WITH THE UN

The SCO has actively attempted to integrate the “Three Evils”-based approach to counter-terrorism into the international framework – to which the UN appears to have responded favorably, without review of the human rights implications of SCO policies and practices.

UN-SCO collaboration includes:

- Granting of General Assembly **observer status** to the SCO in December 2004 (U.N. Doc. A/RES/59/48).
- A **memorandum of understanding** between the Secretariats of the SCO and the UN Economic and Social Commission for Asia and the Pacific, signed on January 21, 2008.
- Two **General Assembly resolutions**, adopted in 2009 and 2010, **regarding cooperation between the SCO**

and the UN (U.N. Docs. A/RES/64/183, A/RES/65/124). These resolutions acknowledge that the SCO “has become an essential forum for addressing security in the region in all its dimensions,” taking note of SCO activity “aimed at strengthening peace, security, and stability in the region, countering terrorism, separatism and extremism”

- A **Joint Declaration on SCO/UN Secretariat Cooperation**, signed on April 5, 2010. In signing the declaration, UN Secretary-General Ban Ki-moon stated: “The United Nations and the Shanghai Cooperation Organization share the same principles and goals in peace, security, development and human rights and all the important principles of the United Nations.”
- **Regular contact** between SCO RATS and the Security Council Counter-Terrorism Executive Directorate.

SCO POWER DYNAMICS: ECONOMIC LEVERAGE

China is a dominant player in the extensive economic cooperation among SCO member states, through its provision of large-scale loans and other economic benefits in exchange for access to natural resources and leading roles in energy and infrastructure development projects.

Examples:

- In June 2009, President Hu Jintao announced a **\$10 billion loan** to fellow SCO governments as **economic recovery assistance**.
- China has proposed an **SCO development bank** for financing **Central Asian energy exploration** and infrastructure projects in SCO member states, with an initial **proposed \$8 billion Chinese investment**, and \$2 billion from all other SCO member states combined.
- In December 2009, China opened the 1,833 kilometer **China-Central Asia natural gas pipeline** that links China, Kazakhstan, Turkmenistan, and Uzbekistan, bringing supplies to China.
- As part of a **\$25 billion long-term loan-for-oil deal**, China began receiving Russian oil in September 2010 through the 620-mile China-Russia crude oil pipeline.

Breakdown of the SCO’s planned 2005 Operating Budget (total budget amount not available):

China	Russia	Kazakhstan	Uzbekistan	Kyrgyzstan	Tajikistan
24%	24%	21%	15%	10%	6%

Note: All quotations are from official documents. Emphases added. For specific citations, see HRIC whitepaper, Counter-Terrorism and Human Rights: The Impact of the Shanghai Cooperation Organization, available at <http://www.hrichina.org/research-and-publications/reports/sco>.