

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

The Member States of the Shanghai Cooperation Organization – parties to the Convention on Combating Terrorism, Separatism, and Extremism dated June 15, 2001 (hereinafter referred to as “the Parties”),

Guided by the goals and principles of the United Nations concerning the maintenance of international peace, security, and the promotion of good-neighborly and friendly relations and cooperation between states,

Recognizing that terrorism, separatism, and extremism constitute a threat to international peace and security, to the development of friendly relations between states, and to the enjoyment of fundamental human rights and freedoms,

Being convinced of the need of taking mutually agreeable actions to ensure territorial integrity, security, and stability of the Parties, including through strengthening cooperation in combating terrorism, separatism, and extremism,

With reference to the Declaration on the Establishment of the Shanghai Cooperation Organization of June 15, 2001, the Shanghai Convention on Combating Terrorism, Separatism, and Extremism of June 15, 2001 (hereinafter referred to as “the Convention”), and the Charter of the Shanghai Cooperation Organization of June 7, 2002,

Have agreed as follows:

Article 1

For the purposes of the present Agreement:

“Official” means an individual sent by a Party to work at the Executive Committee of RATS and appointed to a corresponding position by the Director;

“Representative” means an individual whom the sending Party has entrusted with the duty to act in this capacity in the Council of RATS;

“Employee” means an individual sent by a Party to perform responsibilities related to the activities of the representative;

“Premises” means buildings or portions of buildings and the parcel of land or portion thereof ancillary thereto, regardless of the ownership and form of ownership;

“Host state” means a Party on whose territory the headquarter of RATS or its offices are located.

Article 2

The Parties shall establish the Regional Anti-Terrorist Structure (hereinafter referred to as “RATS”) of the Shanghai Cooperation Organization (hereinafter referred to as “SCO”). The headquarters of RATS shall be located in the city of Tashkent in the Republic of Uzbekistan.

When required the Council of Heads of Member States of the SCO may establish offices of RATS on the territories of the Parties.

The status of the RATS office and its employees shall be governed by an agreement between the SCO and the government of the host state.

Article 3

RATS shall be the permanent body of the SCO intended to assist in the coordination and collaboration of the Parties’ competent agencies in combating terrorism, separatism, and extremism as defined in the Convention.

Article 4

RATS shall have the status of a legal person, and in this capacity, in particular, have the right to:

- enter into contracts;
- acquire and dispose of real and movable property;
- open and maintain bank accounts in any currency;
- sue in courts and participate in court proceedings.

The rights provided by this Article shall be exercised on behalf of RATS by the Director of the Executive Committee of RATS (hereinafter referred to as “Director”).

Article 5

The activity of RATS shall be funded by the SCO budget. The procedure for funding RATS shall be governed by the documents that regulate the SCO budget.

Article 6

The key objectives and functions of RATS shall be:

1) Developing proposals and recommendations on strengthening cooperation in combating terrorism, separatism, and extremism for relevant SCO bodies and at the request of the Parties;

2) At the request of one of the Parties assisting the competent agencies of the Parties in combating terrorism, separatism, and extremism, particularly, in line with the provisions of the Convention;

3) Collecting and analyzing information provided to RATS by the Parties on issues of combating terrorism, separatism, and extremism;

4) Creating and maintaining the RATS databank, specifically regarding:

- International terrorist, separatist, and other extremist organizations, their structure, leaders, members, and other individuals involved with these organizations, as well as their financing sources and channels;

- Status, dynamics, and trends of the spread of terrorism, separatism, and extremism that affect the interests of the Parties;

- Non-governmental organizations and individuals providing support to terrorism, separatism, and extremism;

5) Providing information upon the request by the competent authorities of the Parties;

6) Assisting in preparing and conducting anti-terrorist, staff and command, and operational and tactical exercises upon the request by the interested Parties;

7) Assisting in the preparation and execution of operational search and other activities on combating terrorism, separatism, and extremism at the request of the Parties;

8) Assisting in the international search of individuals alleged to have committed actions set forth in paragraph 1 of Article I of the Convention for the purpose of their prosecution;

9) Participating in the development of international legal instruments related to issues of combating terrorism, separatism and extremism;

10) Assisting in training specialists and instructors for anti-terrorist units;

11) Participating in the preparation and conducting of academic and practical conferences and seminars, and assisting in sharing experience in combating terrorism, separatism and extremism;

12) Establishing and maintaining contacts with international organizations dealing with issues of combating terrorism, separatism and extremism.

Article 7

In its activities, RATS shall be guided by the documents and decisions on combating terrorism, separatism and extremism adopted within the framework of the SCO.

RATS shall collaborate with the competent authorities of the Parties including information sharing, and prepare relevant materials at the request of other SCO bodies.

The procedure for the establishment and operation of the RATS databank, as well as issues of provision, sharing, use and protection of relevant information shall be governed by separate agreements.

Article 8

The Parties shall put together the list of its competent authorities for collaborating with RATS.

The Parties shall provide the depositary with a written notice thereof within 30 days following the completion of the internal procedures necessary for the entry of the present Agreement into force.

In case of amendments to a Party's list of competent authorities, the Party shall notify the Depositary by a written notice accordingly.

Article 9

The Council of RATS (hereinafter referred to as the "Council") and the Executive Committee established pursuant to this Agreement shall be the bodies of RATS. The Council may establish necessary auxiliary bodies.

Article 10

The Council shall consist of the Parties to the present Agreement.

The Council shall be organized in such a way that it can function continuously. For that purpose, each Party shall have its Permanent Representative where RATS is located.

The Council shall meet at regular intervals for sessions, at which each Party may at its discretion be represented by either the head of the relevant competent authority or by another special representatives.

The Council shall determine the order of the implementation of the key tasks and functions of RATS set forth in Article 6 of the present Agreement.

In accordance with the powers of RATS stated in the present Agreement, the Council shall make binding decisions on all substantive matters, including financial issues.

The Council shall submit an annual report on the activities of RATS to the Council of Heads of State of the SCO.

Decisions of the Council on any issue shall be deemed passed if none of the Parties has objected.

The Council shall adopt its rules of procedure, including the procedure for the election of its chairperson.

Article 11

The Executive Committee shall consist of the Director and such personnel as required to ensure the normal functioning of RATS.

The Director shall be the chief administrative officer of the Executive Committee, and shall act in this capacity at all sessions of the Council as well as fulfill other functions placed upon him (her) by this body.

The Director shall be appointed by the Council of Heads of State of SCO upon the recommendation of the Council. The Deputy Directors shall be appointed and dismissed by the Council upon the suggestion of the Parties to which these positions are assigned.

The procedure for the replacement of the Director and his (her) deputy (deputies) shall be determined by the Council.

The Director shall have the right to bring to the attention of the Council all issues within the competence of RATS that, in his (her) opinion, require review by this body.

With the consent of the Council, the Director shall appoint officials of the Executive Committee from among the citizens of the Parties bearing in mind the assessed contributions of respective Parties to the budget of the SCO, and/or hire them by contract from among the citizens of the Parties.

The structure of the Executive Committee and its staff list shall be approved by the Council of Heads of Government of the Member States of SCO based on the Director's proposals approved by the Council.

In the performance of their duties , the Director, his (her) deputy (deputies) and the officials of the Executive Committee shall not seek or accept the instructions from authorities and officials of the Parties as well as from organizations or individuals external to the SCO.

The Parties undertake to respect international character of the responsibilities of the Director, his (her) deputy (deputies) and other officials of the Executive Committee and exert no influence on them in the discharge of their responsibilities.

Article 12

The Executive Committee of RATS shall be composed of individuals sent by the Parties to work at the Committee in accordance with the procedure provided by their national legislation.

The labor relations between the administrative and technical personnel and the Executive Committee shall be regulated by the laws of the relevant host country where RATS is located.

Article 13

The property and assets of RATS shall enjoy immunity from any form of administrative or judicial interference.

The premises, transport vehicles of RATS, as well as its archives and documents including official correspondence regardless of location shall be immune from search, requisition and expropriation or any other form of interference impeding its normal activities.

The representatives of relevant authorities of the host state shall not enter the premises of RATS except with the consent of the Director or a person acting on his (her) behalf and on conditions approved by him (her).

Any actions decided by the relevant authorities of the host country may be executed in the premises of RATS only with the consent of the Director or a person acting on his (her) behalf.

The host state shall take due measures to protect the premise of RATS from any intrusion or damage.

The premises of RATS shall not be used to provide asylum for persons prosecuted under the laws of any of the Parties or subject to extradition to any of the Parties or a third state.

The right of inviolability of the premises of RATS shall not be used for the purposes incompatible with the functions or tasks of the SCO.

RATS shall have the right to use encryption, couriers, and other means of communication to ensure the confidentiality of information transfer. RATS shall have the right to receive and forward correspondence using couriers or bags, which shall enjoy the same immunities and privileges as diplomatic couriers and bags.

All bags containing official documents shall have identifiable external marks certifying their status and may contain only official documents and items intended for official use.

Couriers shall have the official documents certifying their status and indicating the number of bags containing official correspondence.

Article 14

RATS shall be exempt from all direct taxes, levies, duties or other payments charged on the territory of the host state, except those that represent charges for specific types of service (services).

The property and items intended for the official use of RATS shall be free from customs duties, taxes, and other related taxes and payments on the territories of the Parties, other than payments for transportation, storage, customs clearance

outside of the special places or working hours of a respective customs office and similar services in the order provided for international organizations.

Article 15

The Council of Heads of States of the SCO on behalf of the SCO may explicitly waive the privileges and immunities provided to RATS.

Article 16

1. Unless otherwise provided in the present Agreement, the Director, his (her) deputy (deputies), representatives, personnel and members of their household shall enjoy the privileges and immunities set forth in the Vienna Convention on Diplomatic Relations of 1961 to the respective extent and in the respective order.

2. Officials and members of their household shall have the status equivalent to the diplomatic personnel and members of their families of the embassy of the Party where they are citizens or reside permanently.

3. With the consent of the Council the Director may waive the immunity of an official when in his (her) opinion the immunity impede the administration of justice and the waiver does not undermine the purpose for which the immunity was granted.

The waiver of the immunity of the Director or his (her) deputy (deputies) shall be decided by the Council.

The immunity waiver shall be explicit.

4. The provisions of paragraph 1,2 and 3 of this Article shall be in effect until the date of effectiveness of a separate Agreement governing privileges and immunities of the SCO and its bodies that will set forth the privileges and immunities of RATS, the Director, his (her) deputy (deputies), officials, representatives, personnel as well as members of their household.

Article 17

Once their term with RATS expires, the Director, his (her) deputy (deputies) and officials shall return to the bodies of the Parties that initially sent them.

Article 18

All persons enjoying the privileges and immunities pursuant to the present Agreement and without prejudice to these privileges and immunities shall respect the laws of the host state. In addition, they shall not interfere in the internal affairs of this state.

Article 19

The Parties shall recognize the official documents, seals and stamps of RATS.

Article 20

The inclusion of the assignment term into the length of service and pension provision of the Director, his (her) deputy (deputies), officials, representatives, other personnel and members of their household shall be made in accordance with the procedures and conditions set forth in the legislation of the sending Party.

The arrangements for medical care and sanatorium and health resort services for the Director, his deputy (deputies), officials, representatives, personnel and members of their household shall be governed by the Agreement between the SCO and the government of the host state.

The Director, his (her) deputy (deputies), officials, representative, and personnel, as well as members of their household shall enjoy the respective rights of the citizens of the host state in terms of payments for municipal, medical care, accommodation, transportation and other services.

Article 21

The official and working languages of RATS shall be Russian and Chinese.

Article 22

With the consent of all Parties, amendments and additions are allowed to be made to this Agreement in the form of protocols that constitute an integral part of this Agreement.

Article 23

The present Agreement shall not limit the right of the Parties to enter into other international treaties on matters that are covered by this Agreement that are consistent with its purposes and subject matter. In addition, this Agreement shall not affect the rights and obligations of the Parties under any other international treaties which they are party to.

Article 24

Any disputes on interpretation and application of this Agreement shall be settled through consultation and negotiation between the Parties concerned.

Article 25

The People's Republic of China shall be the Depositary of this Agreement. The Depositary shall forward official copies of the Agreement to other Parties within 15 days following its signing.

Article 26

This Agreement shall be subject to ratification, and it shall enter into force on the thirtieth day from the date when the fourth instrument of ratification has been deposited.

This Agreement shall be open for accession by the states that are parties to the Convention.

For each acceding state, this Agreement shall enter into force on the thirtieth day from the date of the receipt by the Depositary of its instrument of accession.

Any Party may withdraw from this Agreement by sending a written notice to the Depository 12 months prior to the date of the anticipated withdrawal. The Depository state shall notify other Parties of this intention within 30 days from the date of the receipt of the notice of withdrawal.

DONE at the city of St. Petersburg on the seventh day of June, two thousand and two, in a single original, in Russian and Chinese languages, both texts being equally authentic.

signatures