To the Tom Lantos Human Rights Commission of the United States House of Representatives

Testimony by Mr. Martin Scheinin, 15 April 2011

1. Introduction

Chechnya is a relatively small area with population of some 1,2 million and forming a part of the landmass between the Black and Caspian Seas and on the northern slopes of the Caucasus mountain ridge. The area is known as a traditional trading route and has oil and mineral resources. The population is predominantly Muslim, and the quest for independence and resistance against Russian domination date far back in history.

During the dissolution of the Soviet Union in 1991 when many Soviet Republics become independent countries, Chechnya followed this stream of independence aspirations. They declared their independence in 1993. The central government in Moscow sent its army to Chechnya to restore its power. This period is known as the first Chechen war 1994-1996. In 1995 the Chechen fighters took the Budenovsk hospital as hostage and demanded Kremlin to stop the armed conflict in Chechnya. To be clear, this was an act of terrorism. Under president Boris Jeltsin, Kremlin made concessions and the Chechen rebels succeeded.

This was the most critical moment and determined much of subsequent developments. While the Chechen fighters/terrorists concluded that the taking hostages is an effective tactic, Kremlin decided never again to negotiate with terrorists but, in the opposite, to take a most determined approach, by trying to kill all suspected terrorists on the spot, despite of collateral damage in the form of dead civilians.

The Moscow rulers, with a new Prime Minister and soon President, Vladimir Putin, decided to intervene with military force in Chechnya once again, this time with a new stronger army and new strategy. The Moscow apartment bombings in 1999 were used as a trigger to start the second Chechen war. Many people, including Anna Politkovskaya, were murdered when they claimed that the Moscow apartment bombings were a provocation by Kremlin itself.

The 1995 strategy was repeated by Chechen terrorists in 2002 when they took 850 hostages in the Dubrovka theater in Moscow, also known as the 2002 Nord-Ost siege, and demanded the withdrawal of Russian forces from Chechnya and an end to the Second Chechen War. After a two-and-a-half-day siege, Russian Spetsnaz forces pumped an unknown chemical agent into the building's ventilation system, resulting in the loss of some 170 innocent civilian lives.

The same pattern was repeated two years later, in September 2004, during the Beslan school hostage crisis, where mostly Chechen terrorists once again issued demands of an end to the Second Chechen War, through a three-day hostage-taking of over 1.100 people. The siege ended in the deaths of over 380 hostages, as the Russian security forces stormed the building, using tanks, incendiary rockets, and other heavy weapons at the school full of children.

As an important part of its new tactics since 1999, Kremlin managed to convince one of the prominent Chechen fighters, Ahmad Kadyrov, with about 400 fighters, to change sides and become pro-Kremlin, against a promise of support. Kadyrov became the first pro–Russian Chechen president, and after he was killed in 2004, his son Ramzan Kadyrov, also former fighter, became president in 2007, just shortly after he reached the minimum age for being president which is 30 years. Right now in April 2011 he was confirmed by President Dimitri Medvedev to serve his second term as president.

With the blessing from Kremlin, the Chechen President got free hands to "solve" the problem of terrorism in his region, with the methods he considers the most effective, which became to be know as "elimination of bandits". Arbitrary killings, abductions, torture and secret detention were common. The operations spread beyond Chechnya, into neighboring areas.

Only on 16 April 2009, the counter-terrorism operation in Chechnya was officially ended.

Even today, after the ending the official counter-terrorism regime, there are numerous reports from Chechnya and other republics in North Caucasus indicating an ongoing human rights crisis in the region. This related and still relates to systematic serious human rights violations by members of law enforcement forces, including torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killings and secret detention. These violations continue to take place in a climate of total impunity for members of law enforcement agencies – the police, security services and the military. Those serious human rights violations have not been effectively investigated, the perpetrators were never brought to justice, and the victims of such acts or those who dare to complain were quite often opposite attacked, tortured or disappeared themselves. When in rare cases prosecutions have been initiated in high-profile cases of brutality against civilians, they have sooner or later been quietly dropped.

North Caucasus remains one of the worst regions within the Russian Federation in regard to the respect for human rights. It is obvious that Kremlin does not have any real strategy how to deal with terrorism. The Chechen leader is not improving the situation in his region but keeping its population living in fear and under threat.

There are certain elements, which are common for the whole region of North Caucasus.

- The existence of an armed underground opposition that uses terrorist tactics. The main targets of terrorist groups in the whole North Caucasus are security forces and government officials, although there are also cases when also innocent civilians were attacked.

- The official forces fight the opposition without any real strategy or policy.

- The official forces, when launching an operation to catch or kill some fighter, announce the regime of counter-terrorism operations for a short period. This gives them the right to search vehicles and houses and to detain any civilians, alleged fighters or those who are allegedly supporting terrorists, including family members.

- Those actions are performed without respect for national and international law and include a broad range of violations of human rights.

- Those actions performed by official forces in the name of counter-terrorism operations are conducted in the climate of a total impunity, high degree of corruption and no respect for the rule of law.[1]

-The illegal methods used in the counterterrorism campaign in the North Caucasus are inevitably gradually spreading to the rest of Russia.

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[1] In 2010 in Dagestan, three attorneys working on cases involving accusations of terrorist activity were brutally beaten. Sergey Kvasov suffered severe injuries as a result of an attack in the center of Makhachkala by a group of strangers. Two female attorneys were beaten by the police at the police station as they were trying to perform their professional duties. Sapiyat Magomedova was beaten on June 17 in the Khasavyurt police station and Dzhamilya Tafirova suffered the same fate on June 2 at the Makhachkala's Sovetsky police station. To date, none of the police officers involved have faced criminal charges. (Source: Memorial.)

- Both sides, the Russian officials and the Chechen separatists keep systematically accusing the opposing side of committing various war crimes including kidnapping, murder, hostage-taking, looting, rape, and other breaches of the laws of war. International and humanitarian organizations, including the Council of Europe have criticized both sides of the conflict for such breaches. There is little or no difference between the tactics used by separatist and official forces.

In Chechnya, the consequence of such killings, torture and disappearances, coupled with a policy of a collective punishment, has been new waves of resistance and a high degree of fear and resentment amongst the population.

"Black widows" are young Muslim women mostly from Chechnya who have lost their husbands and relatives in two wars with Russia. Alexander Cherkasov who has monitored the region over 15 years for the human rights group Memorial writes: *"Vengeance is what drives them. It's an endless flow linked to ruthless counterterrorism methods: Security forces abduct people, detain them in secret prisons ... 3,000 people in Chechnya in the last 10 years."*

As documented by Human Rights Watch, both the official Chechen authorities and the separatists, apply as tactics the punitive burning of family houses and destruction of property. At least two dozen families in different districts of Chechnya have had their houses burned during 2008-2009 by local Chechen law enforcement personnel, to "punish" them because their relatives are allegedly insurgents, and to coerce the insurgents to surrender. The perpetrators of ongoing violations are mainly law enforcement and security personnel under the de facto control of the republic's president, Ramzan Kadyrov.

These burnings were generally perpetrated at night, with law enforcement personnel, often wearing masks, arriving in several cars, breaking into the yard, and forcing the residents out of their house. They would stay for up to an hour watching the fire spread, to make sure the residents or their neighbors did not attempt to put it out before the house was well ablaze.

The victims were generally told in clear terms that complaining about the house-burning would lead to further repercussions. The families were threatened by the Chechen law enforcement authorities and forced to sign a statement that the fire had been caused by their own carelessness. As far as is known, not a single criminal case into the allegations of house-burning in Chechnya has been opened by the law enforcement authorities.

The unlawful tactics used by insurgents can in no way justify the use of similar tactics by government forces fighting against the insurgency, particularly the burning of houses and other types of persecution against families of alleged rebel fighters

Terrorism in Russia is partly being fuelled by the brutal methods of the Kremlin-supported rulers in Chechnya. There is systematic ignorance of the law and impunity for crimes, including war crimes, and gross human rights violations. The president of Chechnya personally and with his supporters goes to the forests to kill people found there, without even knowing who is indeed a terrorist and who is not.

Three particulars features of Chechen terrorism, which is real, are

(a) the frequent use of hostage-taking,

(b) the early and frequent use of female suicide bombers, and

(c) the choice of 'soft targets' such as schools, hospitals, apartment buildings, train or subway stations.

While there are allegations that some of the acts allegedly committed by Chechen terrorists were in fact provocations by elements within official Russian forces, there is no doubt of the terrorist nature of Chechen secessionist violence. Particularly Shamil Basayev (killed in 2006) was the instigator of brutal methods, including spectacular hostage-taking incidents.

In general, the Moscow government has been criticized for its handling of the hostage-taking incidents, including those of the Budenovsk hospital (1995), Kizlyar hospital (1996), Dubrovka theater (2002), and Beslan school (2004). President Boris Jeltsin made concessions to the hostage-takers, while during the time of Vladimir Putin the main reaction has been violent response, often with a serious death toll amongst the hostages, with just one goal to eliminate all terrorists regardless of the loss of civilians. Survivors and families of deceased victims have usually in vain sought justice and compensation for these and other terrorist attacks, and the intransparency of governmental action (or inaction) has contributed to a high degree of distrust and resentment among not only the Chechen but also more broadly the general population in Russia.

For instance, in the Beslan school hostage-taking more than 1.100 people (including 777 children) were taken as hostages and the crisis ended in the deaths of over 380 persons. The hostage taking was carried out by group sent by the Chechen Shamil Basayev, who issued demands of an end to the Second Chechen War, inspired by the success of similar tactics applied in the 1995 Budenovsk incident. On the third day without any negotiation, Russian security forces stormed the building, using tanks, incendiary rockets, and other heavy weapons. At least 334 hostages were killed, including 186 children; hundreds more were injured and many were reported missing. Many of the hostage-takers, however, were able to escape. The victims and their relatives are still awaiting a proper investigation and appropriate remedies.

As a new initiative by Russian President Dimitri Medvedev, mention needs to be made of the Investigative Committee of the Russian Federation, operative since January 15, 2011. This is the main federal investigating authority in Russia, formed in place of the Investigative Committee of The Prosecutor of the Russian Federation and subordinate to the President of Russia. Alexander Bastrykin was appointed by Medvedev as Chairman of the Committee that has 20.000 employees. Although it is too early to judge, the creation of the new investigative body may be a sign of a long-awaited effort to combat impunity.

2. The framework of international counter-terrorism obligations

There are currently, depending on exact criteria, 13 to 18 international conventions or protocols on countering terrorism. They range from the 1963 Aircraft Convention to the Nuclear Terrorism Convention of 2005 and from the 1979 Hostages Convention to the 1999 Terrorism Financing Convention. Work towards a comprehensive convention against terrorism is still underway. One remarkable feature since 9/11 of 2001 is the rapid pace of ratifications for these treaties, so that many of them are now close to universally binding for States.

There is no comprehensive definition of terrorism in these treaties but for instance the 1999 Terrorism Financing Convention comes close to a definition of international terrorism in its Article

2.[2] This is also in line with the closest we have to a terrorism definition by the UN Security Council, namely a characterization in operative paragraph 3 of Resolution 1566 (2004).[3] The Security Council has adopted a number of resolutions concerning combating international terrorism, many of them under Chapter VII and hence legally binding for States. In particular, the post-9/11 framework Resolution 1373 (2001) and the Taliban and Al Qaida terrorist listing regime created under Resolution 1267 (1999) need to be mentioned here.

As UN Special Rapporteur on human rights and counter-terrorism, I have systematically advocated precise and narrow definitions of terrorism. This is partly to secure that the stigma of terrorism is not inappropriately used by oppressive regimes to curtail dissent and hence in violation of human rights, and partly to stand firmly behind the view that proper definitions of terrorism is what the world needs in order effectively to combat real terrorism. In my most recent report to the UN Human Rights Council, I presented a set of 10 selected areas of best practice, i.e. legislative or other models that simultaneously serve an effective fight against terrorism and comply with human rights.[4]

The affirmation of the complementary and mutually supportive role of compliance with human rights and effective counter-terrorism is reflected in human rights clauses in many of the Security Council's counter-terrorism resolutions,[5] as well as in the 2006 Global Counter-Terrorism Strategy and other documents adopted by the UN General Assembly. It has been one of my most rewarding experiences during my soon six years as Special Rapporteur, to see that real counter-terrorism professionals have been gradually learning this message and making it a reality.

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[2] "1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:
(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or
(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act."

[3] "3. Recalls that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature;"

[4] UN document A/HRC/16/51. One of the selected areas of best practice presents a model definition of terrorism, formulated as follows:
1. The action:
(a) Constituted the intentional taking of hostages; or
(b) Is intended to cause death or serious bodily injury to one or more members of the general population or segments of it; or
(c) Involved lethal or serious physical violence against one or more members of the general population or segments of it; and
2. the action is done or attempted with the intention of:
(a) Provoking a state of terror in the general public or a segment of it; or
(b) Compelling a Government or international organization to do or abstain from doing something; and
3. The action corresponds to:
(a) the definition of a serious offence in national law, enacted for the purpose of complying with international conventions and protocols relating to terrorism or with resolutions of the Security Council relating to terrorism; or
(b) All elements of a serious crime defined by national law.

[5] See, for instance, resolutions 1456 (2003), 1566 (2004), 1624 (2005) and 1904 (2009).

3. The Russian Federation and the international framework

The legal framework of the Russian Federation, in relation to terrorism, differs from the international one at least in two important respects.

Firstly, Russian law defines terrorism as an ideology of violence The 2006 Law on Countering Terrorism provides the following definition: "Terrorism is an ideology of violence and practice of influence on decision making by bodies of the government, institutions of local government, or international organizations, by means of intimidation of the population and (or) other forms of illegal violent actions." In 2009, the UN Human Rights Committee (the treaty body that monitors compliance with the International Covenant on Civil and Political Rights), called upon Russia to adopt a narrower definition of crimes of terrorism limited to offences that can justifiably be equated with terrorism and its serious consequences, and ensure that the procedural guarantees established in the Covenant are fulfilled.[6]

Secondly, although already this terrorism definition is wide and allows for politically motivated use beyond a proper criminal law approach based on the requirement of legality (comprising elements such as non-retroactivity, precision and foreseeability), an additional layer of ambiguity and even arbitrariness is provided by the notion of "extremism" which triggers similar powers than terrorism.[7]

As a third important feature it should be mentioned that although Russia is a party to the international framework, including as a permanent member of the UN Security Council and a vocal supporter of its 1267 terrorist listing regime, it does not make real use of the international framework but prefers unilateral and regional measures. As of today (April 2011), there are only three citizens of the Russian Federation, including Chechens, on the UN 1267 list of persons associated with Taliban or Al Qaida, and two of them have been killed: Shamil Basayev (killed 2006), Zelimkhan Gandarbiev (killed 2004) and Doku Umarov (subject to active pursuit and even rumours about his capture or death).

Preference for the regional SCO mechanism for terrorist listing (see below) is one explanation for Russia's lack of interest for using the UN listing regime. But it may also be that the sanctions provided, namely the freezing of assets and an international travel ban, are not particularly useful for the more straightforward method of armed action used by Russia in respect of persons identified by it as terrorists.

4. "Causes" of terrorism

Besides affirming the complementary and mutually supportive role of effective counter-terrorism and compliance with human rights, reflected in the double role of human rights as one pillar of the strategy and an ingredient in all other pillars, the 2006 Global Counter-Terrorism Strategy is remarkable in its willingness to discuss "conditions conducive to the spread of terrorism", i.e., something that in general parlance is referred to as "root causes". Here, the strategy rightly lists several types of human rights violations among such 'conditions conducive'.[8] In my own work as Special Rapporteur, I have been inspired by social scientists, who often distinguish between structural, facilitating and triggering causes of terrorism. As recognized in the Global Strategy,

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[6] Concluding Observations on the Russian Federation, CCPR/C/RUS/CO/6, paragraph 7.

[7] See ibid, paragraph 24.

[8] The Global Strategy is contained in General Assembly Resolution A/RES/60/288, and it mentions among 'conditions conducive' "... lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance".

human rights violations figure among "structural causes". Through my country visits and other country-specific work I have also become convinced that individual or family-based human rights violations often figure as "triggering causes" of terrorism. In the context of my mission to Israel and the occupied Palestinian territory I noted that instances such as the death of a brother in the course of lawful governmental counter-terrorism operations, or the humiliation of a wife or sister at a checkpoint through unprofessional conduct by conscripts may trigger an individual to make the morally inexcusable decision to resort to methods of terrorism in the pursuit of a cause that he considers just. The same applies to worse things, such as torture or gang rape in front of family members, as has happened in Chechnya. While no cause whatsoever will justify resorting to terrorism, it is useful to understand that professionalism and compliance with human rights in the course of counter-terrorism measures may reduce the risk that an individual makes that unjustifiable leap. In particular, the application of collective punishment upon family members, for instance through house-burning or intentional humiliation, has grave counterproductive consequences.

Where there may be a tension between counter-terrorism and human rights, is the category of facilitating causes. Structural and triggering causes do not result in terrorism unless there are also persons with funds, means of communication, weapons and explosives at their disposal, who wish to recruit people to terrorism. Much of mainstream counter-terrorism work addresses the facilitating causes, inter alia, by cutting channels of terrorism financing, monitoring terrorist recruitment and incitement in the Internet, or stopping and searching persons who carry weapons or explosives. As Special Rapporteur I have emphasized that such measures, when properly targeted and administered, should be seen as permissible limitations to human rights, not as human rights violations.[9] Professionalism and compliance with the law are imperatives for effective counter-terrorism work.

5. Elements of assessment in relation to Russia's counter-terrorism measures

My assessment of the overall approach by the central authorities in respect of terrorism in the North Caucasus is quite grim. Moscow does not appear to have a strategy that would effectively aim at preventing future waves of terrorism, addressing the various levels of "causes" of terrorism or building a society without terrorism. Rather, it has sided with one group of ruthless gunmen (Ramzan Kadyrov) to fight under the protection of the state against secessionist insurgents. The government-supported forces use largely the same methods as the terrorists, including extrajudicial and even arbitrary killings, collective punishments for family members, terrorizing the civilian population and creating a shield of impunity. And Kadyrov is not les Islamist than some of his opponents: he makes constant use of the authoritarian and misogynist features of his own interpretation of the Sharia, even in clear contradiction with Russian law. Therefore, in Chechnya there is no hard choice between Islamic traditionalism and secular authoritarianism, as in some other countries.

Coupled with problematic policies by the central authorities themselves, including rhetorics and policing measures based on ethnic profiling of "Chechens" or "black widows", Moscow continues to perpetuate resentment and exclusion and hence to maintain a breeding ground for new cycles of terrorism, or, to use UN parlance, "conditions conducive" to recruitment to terrorism.

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[9] In the report mentioned in the preceding footnote number 4 this position is formulated as follows: "Through the careful application of human rights law it is possible to respond effectively to the challenges involved in the countering of terrorism while complying with human rights. There is no need in this process for a balancing between human rights and security, as the proper balance can and must be found within human rights law itself. Law is the balance, not a weight to be measured."

There is no guarantee that lessons would have been drawn from the dramatic hostage-taking incidents by Chechen terrorists. If such lessons were to be drawn, one could expect a proper investigation and a public report concerning the mistakes by the authorities in dealing with earlier hostage-taking situations.

According to a case law database maintained by Russian Justice Initiative,[10] there have been almost 250 cases from the North Caucasus before the European Court of Human Rights, exercising legally binding jurisdiction over Council of Europe member states, including the Russian Federation. Most of these cases have now been closed with a finding of one ore more violations of central provisions of the European Convention of Human Rights. Most commonly the violations established are disappearances, but also extrajudicial killings, torture or other forms of ill-treatment, indiscriminate killing of civilians during armed conflict occur as patterns within the cases. While the bulk of all these cases relate to human rights violations in Chechnya itself, there are also findings in respect of acts that took place in neighboring areas such as Dagestan, Ingushetia, Kabardino-Balkaria or North Ossetia. The human rights violations so far assessed and decided through a judgment by the European Court occurred during more than 10 years, with a clear concentration in 2003-2004 but continuing also beyond that. Due to the requirement of exhausting domestic remedies and the length of time it may take for a case to reach the European Court, it is too early to judge how strongly the trend of gross human rights violations has declined since the peak years of 2003-2004.

Nevertheless, very recent reports indicate that the problem is far from over. The Ombudsman of the Russian Federation, Mr Vladimir Lukin, recently (March 2011) submitted his annual report on the state of affairs in the sphere of human rights and freedoms to State Duma in which he subjected the methods of struggle against participants of paramilitary groups in North Caucasus to criticism. Lukin states in his report that "the practice of unlawful murders of members of paramilitary groups is in use as before". Just two days ago, Caucasian Knot reported that more than two thousand cases of kidnappings during 2009-2010 remain unresolved in North Caucasus and that the cumulative number of open cases of disappearances has reached 3247.[11] The number of registered reports of disappearance of citizens has increased by 4.3 per cent. It may be that thanks to decisions by the European Court people are now more willing than before to report disappearances.

An especially troubling category of cases which is not restricted geographically to Chechnya or North Caucasus but that unfortunately takes a death toll also in the capital (Moscow) or abroad (London) is the frequency of murders of human rights defenders, journalists and lawyers. There may not be a single mastermind behind the pattern of these crimes but even if they have been committed for various reasons and by totally separate perpetrators, it is a sign of a culture of lawlessness and impunity that such crimes continue to be committed. One of the consequences is a chilling effect in respect of open criticism of the government and its counter-terrorism approach, or of calls to investigate incidents where the involvement of law enforcement agents in the perpetration of violent crimes is alleged.

6. The Shanghai Cooperation Organization

Russia is one of the six member states of the Shanghai Cooperation Organization (SCO), together with China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan – countries with troubling human rights records. SCO also has a number of observer states, namely India, Iran, Mongolia and Pakistan. SCO has an important role in the counter-terrorism framework for this vast geographic region that

[10] http://www.srji.org/en/legal/cases/
[11] http://www.eng.kavkaz-uzel.ru/articles/16634/

includes more than 40 % of the world's population. The counter-terrorism cooperation within SCO has three important features that distinguish it from the international UN level framework and also explain why Russia has remained fairly reserved towards the UN framework, including what comes to the 1267 procedure of listing terrorists associated with the Taliban and Al Qaida.

Unfortunately, from a human rights perspective all three features of the SCO framework are negative:

a) It is not based on a common and precise definition of terrorism but on the unilateral, often vague and broad, definitions of SCO member states of the "three evils" of terrorism, extremism and separatism. Already the SCO definition of terrorism includes, for instance aiding any act intended to cause major damage to any material facility with the purpose to "violate public security". This is further expanded by the definitions of extremism and separatism in Article 1 (1) of the Shanghai Convention. Further Article 2 of the separate SCO Counter-Terrorism Convention follows Russian law by defining terrorism as an ideology of violence.

b) It is based on the idea of unconditional extradition of wanted persons, dropping the standard requirement of double criminality in international extradition (the requirement that the person's conduct constitutes a crime both in the extraditing and the requesting state). Hence, China determines, for extradition purposes, what is "separatism", and Russia determines what is "extremism". The SCO extradition framework ignores the requirement of *non-refoulement* based on the 1951 Refugee Convention and a number of general human rights treaties prohibiting extradition or any other form of handing over of a person under a real risk of persecution, torture or other forms of inhuman treatment in the receiving country.

c) It is largely secret and intransparent in nature, excluding effective oversight and even public awareness of SCO's role in counter-terrorism. This relates to intelligence practices by the SCO's Regional Anti-Terrorist Structure (RATS) and to a secret list of terrorists, extremists and separatists maintained by it. As the SCO blacklist is secret, individuals lack even the limited safeguards that now are present in the UN 1267 listing procedure. Although the SCO list is secret, it has been publicly announced that by April 2010 it had grown to comprise more than 1.100 individuals, e.g. more than twice the length of the UN list.[12]

As the NGO Human Rights in China has recently released an excellent analysis of the SCO, I will end my testimony by commending and recommending that work.[13]

Biography

Martin Scheinin was born in 1954 in Helsinki, Finland. He obtained his law degree at the University of Turku (Finland) and his PhD in law at the University of Helsinki. From 1993 to 1997 he was Professor of Constitutional Law at the University of Helsinki. After a sabbatical at the University of Toronto, Canada (1997-1998) he returned to Finland to take up the position of Professor of Constitutional and International Law and Director of the Institute for Human Rights at Åbo Akademi University, Finland's Swedish-language university. For a part of his time there (1998-2008) he was also the leader of a Finnish Graduate School in Human Rights Research and a Nordic Network in Human Rights Research. This network comprises, inter alia, the Danish and Norwegian Centres for Human Rights and the Raoul Wallenberg Institute of Human Rights and Humanitarian

[12] RATS, "РАТС ШОС: сообща против терроризма" {"SCO RATS: United Against Terrorism"}, April 29, 2010, http://infoshos.ru/ru/?idn=5810. (Unofficial translation from the original Russian by Human Rights in China.)
[13] See, http://www.hrichina.org/public/contents/category?cid=193095

Law in Sweden. From September 2008 he was appointed as Professor of Public International Law at the European University Institute in Florence, Italy.

Besides his academic career, professor Scheinin has served in various expert capacities internationally and in Finland. Between 1982 and 1993 he was secretary for three government commissions for constitutional reform, including the one that in 1989-1992 drafted the current Bill of Rights in the Finnish Constitution.

In 1997-2004 he was a member of the United Nations Human Rights Committee, the independent expert body that monitors compliance with the International Covenant on Civil and Political Rights and has considered a number of individual complaints against the Russian Federation.

Between 2005 and 2011 he is serving as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, reporting to the UN General Assembly and Human Rights Council, and participating in the UN Counter-Terrorism Implementation Task Force. Pursuant to the mandate, he has conducted, by invitation of the respective Government, fact-finding missions to countries such as Turkey, South Africa, the United States, Israel (and the occupied Palestinian territory), Spain, Egypt, Tunisia and Peru. These country missions include, besides meetings with officials and civil society, also trial observation and prison visits. Scheinin has observed, inter alia, the trials of Salim Hamdan (Guantanamo) Jose Padilla (Miami) and Ahmed Ghailani (New York) and visited high security prisons in Turkey, South Africa, Spain, Tunisia and Peru. He has sought an invitation to visit the Russian Federation but has not received one.