

COMBATING THE CRIME OF MONEY LAUNDERING TO FINANCE TERRORISM STUDY IN INTERNATIONAL LAW



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ABSTRACT

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The world is facing a huge wave of global terrorism which had destroyed many countries, therefore it is clear that terrorism could not be that strong political, media and financial support. One of the most important factors that led to the emergence of terrorism in the international community is the financial funding that terrorists receive from various sources. The international community has recognized this funding and has worked to combat the sources of terrorist financing. However, terrorism funding sources have tended to send money through banks under the guise of humanitarian, cultural, religious or charitable aid, the purpose of which is to finance terrorism. This is called money laundering to finance terrorism. The research includes a brief idea of terrorism and money laundering and then international legal means to combat this money laundering, The research was concluded with conclusions and recommendations.

Contribution/ Originality: This study contributes to the literature on combating terrorism, which is a distinguished scientific methodological study that works to establish scientific and legal rules to combat the financing of terrorism. And addressed the grounds on which money could be prevented from being sent to terrorists. It is one of the few studies at present. This study contributes to finding ways to reduce and prevent the sending of funds to terrorism. This study is confirmed by documented scientific documentation.

1. INTRODUCTION

Terrorism is a global phenomenon that includes most of the world. It is one of the most important events that took place after World War II, since it has spread in most parts of the world. It has become a major phenomenon that has led to the killing and displacement of millions of children and women. The main aim of terrorism was to topple governments in Muslim countries and create chaos in Western countries. And because of the violence and cruelty of terrorism, the international community must address and face this phenomenon.

1.1. The Importance of the Research

It is clear that terrorism did not have this great ability to inflate in a number of countries at the same time unless it had enormous financial potential. The international community has found that the major financing of

terrorism is provided by some organizations and countries through money laundering. For this reason, the International community has addressed many international, regional, bilateral and international agreements to prevent money laundering which finances terrorism. In addition, many International conventions and resolutions issued by international organizations dealt with combating terrorism.

1.2. Research Problem

The problem that underlies this research is that international treaties against money laundering to finance terrorism, the political measures taken and the decisions taken by international organizations, did not limit the financing of terrorism by money laundering. Terrorism continues to receive funding from many countries. This requires more serious measures to prevent money laundering to finance terrorism and take serious steps to end it.

1.3. Research Plan

Research on anti-money laundering to fund terrorism requires, above all, the defining of terrorism and money laundering, and then study the fight against terrorism and money laundering:

First: Definition of Terrorism and Money Laundering

1- The Definition of Terrorism

Due to the imbalance of the interests, the international states groups did not agree on a specific definition of terrorism (Jonathan, 2016). Therefore many definitions of terrorism had appeared. This controversy has contributed to the divergence of countries view of it. Which resulted in countries accusing others of terrorism, while others are subject to terrorism acts by its citizens to the point that such governments had imposed penalties on them. While other states are practicing terrorism against their individuals do not wish to be deprived of these means. Beside other people are struggling for their independence demanding the legitimacy of the armed struggle, and countries occupied the territory of other peoples prevent them from the right of self-determination and their demands for freedom from foreign occupation. The act of terrorism is committed intentionally by an individual, or a group of individuals, or an organization at home or abroad, with the aim of achieving gains or interests, or drawing attention to a cause, and its consequences create situations of fear, panic and fear (Ali, 2005). Were terrorism is a state of mind created by feelings of live threatening violence for self and others (Adonis, 1983).

In addition, states are using terrorism as an excuse to confiscate freedoms under the pretext of terrorism against their own citizens. While Extremist organizations also use terrorism against states. Noting that common sense dictates that individuals and the state are parties to the equation, and the views of oppressed individuals or peoples should also be taken into account in defining the meaning of terrorism. But what is happening now is that it is the states that want to define the meaning of terrorism and allow it to them and prevent it to individuals. It is also the state at the international level that sets the formulas of terrorism, to analyze and deprive what it sees according to its interests, while in all cases confers on its actions the status of legality and acts of individuals as illegitimate, to set sanctions on them under the pretext of violating the law.

Therefore, some homogeneous international groups tend to stand by oppressed peoples and demand that they not be deprived of the use of armed violence in order to achieve their goals of self-determination, combating colonialism and military occupation, and they are working to bring this type of armed political violence out of the circle of terrorism, while some States see this kind of armed violence being brought to the list of terrorism, depriving and fighting it and preventing peoples from being liberated and independent.

Because of the difference between countries in defining the meaning of terrorism, the definitions of terrorism varied. We choose from what is common among many. Some of them define terrorism as: "Forms of fighting that are of little importance to the forms used in traditional conflicts: killing politicians or attacking property" (Schwenkenbecher, 2012).

This definition defines the following requirements for terrorism:

1. The lack of importance of terrorism in relation to other military conflicts. We support this aspect. Although terrorism is a big term, but in real terms it clearly shows that it expresses a state of weakness and that the terrorists are in a state where they can not completely eliminate their adversary. The aim of the offense is to weaken the opponent's morale. If the terrorists were able to get rid of or finally defeat their enemy, then they would call their actions a revolution or coup. And when they resorted to terrorism. Terrorist organizations are not looked upon as leadership of the military coup or revolution against the government because they are not capable of leading the masses. While they may be able to occupy certain parts of state territory. We can see this case clearly happening in northern Iraq and Syria where the establishment of a terrorist organization that occupied and declared a state that did not define its government, its methodology and its constitution.
2. Terrorism definition had clarify its target and objectives, which is violence based on destruction and property abuse. The attacks on property are acts of terrorism, while the killing of politicians is not the primary goal of terrorism. Since terrorism aims to create a state of terror within society by creating a state of terror achieved by killing non-politicians more than the killing of politicians. Where citizens are in a state of waiting and anticipation of terror and fear. We have seen that Da'ash organization has killed innocents of different sects and nationalities, and there is no barrier between what is considered a goal and what is not.
3. The definition of terrorism pointed on that coming from individuals and does not include state terrorism. Where state terrorism is the terror of the powerful and is considered more tough and harsh to individuals. So once we mention State terrorism we do not mean the use of armed forces against state opponents, but we mean the secret organizations owned by the state that are targeted to eliminate its opponents; While others have defined terrorism as "the intentional and organized use of means to provoke terror by the nature of these means, to achieve the goals." Faimau (2013) some types of terrorism have been described as red terrorism, which is the terrorism that occurred in former socialist countries (Melgunov, 1924; Nicolas *et al.*, 1999).

This definition combines State and individual terrorism. However, it did not fully integrate all elements of terrorism. This definition referred to terrorism as an organized body. While terrorist acts are not organized. The force of terror lacks coordination. It is an action that is not based on one frequency and specific times. In addition, terrorism is violence that runs counter to threats. Because the threat creates a state of caution and thus terrorism loses its ability to surprise. Therefore terrorism is a surprise act aimed at everyone.

Others defined it as "an act aimed at overthrowing the legal and economic system on which the State is based". I believe that terrorism is not aimed at overthrowing the regime because it is the weakest type of armed struggle, and most terrorists are backward, uneducated, who do not understand the language of law and justice (Alex and Albert, 1988).

Terrorism has been defined as: "an assault on the lives, public and private properties in violation of the provisions of the state's law", another close definition introduced by

Hamdi Abdel Azim as: "Any use of violence or threats to use it forcibly and illegally to create a state of fear and terror with the intention of controlling a group or a state inflect negative psychological effects on the society as a whole or part of it" (Schmid, 2011).

The researcher believes that these definitions make terrorism a criminal act; this generalization contradicts with the reality of terrorism, since most of the terrorist acts specially the terrorism of the weak, could not be considered a crime, because it reflects the struggles against occupation, colonialism and oppression suffered by those who carry out terrorism.

Also, when the state uses terrorism against citizens. Can we consider these actions a criminal act? Therefore the International law authorized certain types of terrorism and was called different from terrorism, although such operations were terrorism by colonial Powers. It is necessary to distinguish between the right of peoples to self-determination and the actions of armed organizations that target their own people as a means of gaining power.

Therefore, terrorism is defined as: "a violent conflict approach whereby the perpetrator by means of terror and violent acts that lead top fear in order to dominate his political opinion or control over society or the state in order to maintain or change public social relations or destroy it" (Williamson, 2009).

We have many reservations to this definition, which include:

1. The definition of terrorism did not take into account the legitimate violence recognized by international law, such as the right to armed struggle for the realization of the right to self-determination and the right of civilians in the occupied territories to resist occupation. These are important aspects of the distinction between terrorism and the armed struggle of peoples under foreign occupation.
2. Terrorism may not be aimed at controlling society or giving preference to its political opinion. Those who intimidate society cannot control or convince them of the validity of their beliefs as long as terrorism is used as a means of gaining power. The aim of terrorism is to weaken power or bring attention to its demands. The armed violence practiced by the Palestinian factions against the Zionist occupation forces is not aimed at imposing the Palestinians' opinion on the Jews, but liberating their land from the occupiers.
3. The definition did not include the state terrorism used against fellow citizens, which is called the terror of the powerful against the weak. And this kind of terrorism is considered the worst.

From the study of terror and its objectives we can define terrorism as "organized armed violence led by armed groups whose aim is to instill fear among the people in order to overthrow the government." While International terrorism could be defined as "terrorism involving a foreign element." The foreign element shall either be individuals who carry out terrorism, or foreign funds or foreign land.

2- The Definition of Money Laundry

Some jurists have defined money laundering as: "transferring or moving funds illegally obtained or evading legal obligations into another form of retention of wealth to cover up and obscure their sources" (Shorbagi, 1999).

While it is defined by other team as: "every process that conceals the illicit source from which funds are derived" (Mohammed, 1999).

It is also defined by another scholars whom say that money-laundering is "conceals the fact of illicitly derived funds by exporting, depositing, employing or investing in lawful activities to escape seizures and confiscations and to show that the money is derived from legitimate sources, whether by filing, camouflaging, transport, transfer or investments that had been made in developed or under developed countries" (Hamdi, 1997).

The French police expert (Lego Gerrard) defined as: "The attempt by various means may be taken from the business world to conceal the source of the illicit gain of funds - so that they can be invested without fear of being confiscated¹- in legitimate financial or economic channels" (Lego, 1992).

There are many definitions dealing with the concept of money laundering, such concepts had been also developed by time. during the United Nations Convention against Corruption, held in Vienna in 2003, it was defined as: "The move or transfer of property, knowing that it is coming as a result of a criminal act for the purpose of concealing or disguising the illicit origin of such property, or assisting any person involved in the commission of the original offense to evade the consequences of its conduct and concealing and disguising the true nature of the property or the rights or disposition of the property" (Zuhair, 2005).

¹ Expropriation means dispossession, deprivation or permanent deprivation of property and property derived from a means used in the offense of money laundering under a judgment of a competent court or other competent authority.

The Bazel Committee of 1988 defined it as "all banking operations undertaken by agents and their partners with the intention to conceal the criminal origin of funds and their owners".

While the International Narcotics Control Board (INCB) has defined money laundering as "the hidden diversion of funds of criminal origin to the legal channels of legitimate business, making them ordinary, legal and legitimate"(Abdel-Fattah et al., 1999).

The United States Commission for the Investigation of Organized Crime viewed the definition of money-laundering as: "The process of concealing the existence of an illegal source or the illegal use of income and concealing that income as legitimate income".

In article 648 of the Italian Criminal Code, the Italian legislator defined money laundering as: "the replacement of any money, goods or other funds derived from any kind of intentional crime or the concealment of the source of such funds from the crimes derived therefrom (Ahmed, 2000).

The German legislator, who considered money-laundering a crime since 1992, defined money laundering in article 261 of the German Penal Code as: "concealing, obscuring, preventing or impeding the disclosure of origin or location or causing obstruction of location, Hand or seizure of property resulting from a serious crime committed by a person who is a member of a criminal organization and applying the same rules to the accomplices of the crime" (Meyer, 1999).

It should be noted that some researchers defined money laundering as: "Any process that prevents the knowledge of the origin and movement of money so that it can be used in legitimate economic activity without fear of any criminal, civil or legal penalties"(Meyer, 1999)

We note from this definition, while it made money laundering limited to money only, it has defined the money-laundering process as: "Any criminal, civil or legal penalties, so what it means by "legal term"?, and whether criminal and civil penalties are considered legal or not?" therefore the word "legal" is not necessary in this definition.

Money Laundering has also been defined by some Iraqi law-makers who are interested in studying money laundering as: "concealing or disguising the fact of money obtained from a crime stipulated in national or international law, the source, location, disposition, movement or ownership of such property or personal rights by virtue of the fact that the perpetrator is aware that such money is obtained from a crime (Abdul, 1973).

The Jordanian (Anti-Money Laundering Law No. (46), 2007) defines it as: "any act involving the acquisition, possession, disposal, management, custody, replacement, deposit, investment, manipulation or transfer of funds, or any act that conceals or camouflages its origin, real nature, location, disposition, ownership or rights related to it, knowing that it is obtained from one of the offenses set out in article 4 of this law."

In light of the above, we see from my humble point of view that money laundering could be defined as a series of overlapping financial transactions that take place inside or outside the state to hide the truth of money or to obliterate their illicit origin and to show it in the form of money obtained from a legitimate source.

Second: Position of International Law Against Terrorism

The international community has begun to focus on the fight against terrorism since the events of 11 September 2001 and the adoption of Security Council resolution 1373 (2001), which calls on the countries to join the international resolutions, while the rate of adherence to them has increased. Some two thirds of the Member states of the United Nations had signed and/or agreed to at least ten of the 16 instruments, and no country has not yet signed or acceded to those instruments. Between the periods from 1963 to 2004, the international community, under the auspices of the United Nations and its specialized agencies, developed 13 international instruments against terrorism, open to accession by all Member States.

Since 2005, the international community has also made substantive changes to three of these universal instruments, specifically to address the threat of terrorism. On 8 July 2005 member states adopted amendments to

the Convention on the Physical Protection of Nuclear Material and, in 14 October, The states agreed on the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and on the 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental palisade.

1. The Geneva Convention on the Prevention and Punishment of Terrorism of 1937: On 10 December 1934, the Council of the League of Nations unanimously approved the decision to form a committee of experts to draft international convention to abort any terrorist schemes and to combat and prosecute criminal acts aimed at eliminating the phenomenon of "political terrorism". On October 10, 1936, following a review of the draft articles for the drafting of the Convention on the Prevention and Punishment of Terrorism, the General Assembly of the League issued a resolution setting out the principles on which the proposed agreement would be based. It stressed the necessity of abstaining any country from interfering in the political life of any other country².
2. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973)³
3. International Convention against the Taking of Hostages (1979)⁴.
4. In December 1994, the General Assembly again drew attention to this issue by adopting a declaration on measures to eliminate international terrorism⁵.
5. In 1996, an annex to that Declaration was established by the Ad Hoc Committee on Terrorism⁶.

The 1997 International Convention for the Suppression of Terrorist Bombings⁷; The positive reasons for the Convention include: that the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994, which states that "States Members of the United Nations solemnly reaffirm their condemnation As criminal and unjustifiable, wherever and by whomever committed, including those endangering friendly relations among States and peoples and threatening the territorial integrity and security of States "; The 1999 International Convention for the Suppression of the Financing of Terrorism; International Convention for the Suppression of Acts of Nuclear Terrorism. The latter was adopted in April 2005 and Member States have been negotiating since 2000, within the Ad Hoc Committee as well, on a draft comprehensive convention on international terrorism⁸.

²The Geneva Convention did not enter into force because it was not fully ratified by the signatory states. Only one country, India, ratified it. However, the Convention is the first serious attempt to address the phenomenon of terrorism at the international level. The Convention recognizes that it has targeted only a single form of terrorism: revolutionary violence and attacks against the holders of power in the State. The Convention, despite its limitations on this aspect, expresses the belief of States in international cooperation to combat terrorism and to suppress political violence, in order to achieve the sovereignty of States and respect for their constitutional integrity. Many of the conventions dealing with the fight against international terrorism, which were later concluded, were inspired by the solutions contained in the Geneva Convention.

³ Adopted and offered for signature, ratification and accession by General Assembly resolution 54/109 of 9 December 1999.

⁴ After a group of Holger-Mines held hostages at the German embassy in Stockholm on December 14, 1979, the German government applied for an international convention against hostage-taking. The UN General Assembly approved the draft convention on 17/12/1979

⁵ Reviews the UN General Assembly resolution in in document number: A/RES/49/60

⁶ Review document no. A/RES/51/210.

⁷ Adopted and published publicly by United Nations General Assembly resolution 52/164 of 15 December 1997 and opened for signature during the period from 12 January 1998 to 31 December 1999.

⁸ Opened for signature on 14 September 2005, the opening day of the World Summit of the General Assembly. During this high-level meeting, 82 Member States signed it.

The 1963 Convention on Offenses and Certain Other Acts Committed on Board Aircraft, Tokyo Convention on Aviation Safety⁹. This Convention shall apply to acts of safety during flight; authorizes the pilot of the aircraft to impose reasonable measures to protect the safety of the aircraft, as appropriate, including restricting the movement of any person the aircraft commander considers to have committed or is in the commission of an act that threatens that safety; To the commander of the legitimate aircraft control.

1. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, Hague Convention on the Abduction of Aircraft. Any person who is on board an aircraft on board an aircraft shall be guilty of "unlawful seizure, threat of use or other form of intimidation or of any attempt to commit such an act by force; With "severe penalties"; States parties that have arrested criminals must either extradite or bring them to justice; States parties shall assist each other in respect of criminal proceedings under the Convention.
2. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal Convention. On acts of vandalism against aviation, such as bomb attacks during flights¹⁰, criminalize the unlawful act of any person against another person on board an aircraft in the air, if that act is likely to threaten the safety of the aircraft; or the placing of an explosive device on an aircraft; To attempt to do so; to engage with or attempt to commit acts of that kind; and to make States parties to the Convention punishable by "cruel penalties".
3. The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, on attacks on senior government officials and diplomats. "States with international protection" defined themselves as the head of State, the Minister for Foreign Affairs, the representative or official of a State or international organization entitled to protection in a foreign State; that States parties criminalize the attack on an internationally protected person by deliberate murder, To attack another person, to attack the freedom of an internationally protected person, to commit a violent attack on his official places of work, to his private places of residence or to his means of transport, to threaten or attempt to commit such acts or to commit an act".
4. The European Convention for the Suppression of Terrorism of 1977: signed in Strasbourg on 27 January 1977, within the framework of the Council of Europe, to eliminate the phenomenon of international terrorism that swept Europe in the early seventies. The Convention is intended primarily to contribute to the suppression of acts of terrorism when they constitute an attack on the fundamental rights and freedoms of persons. The Convention contains the same principles as the Council of Europe's resolution on international terrorism in 1974, which differs from these first principles in that it is an international treaty binding on its parties¹¹.
5. 1979 International Convention against the Taking of Hostages, Convention against the Taking of Hostages¹². "Any person who takes another person hostage or detains him, threatens him with death or harm, or continues to detain another person with the intent to compel a third party, a State, an intergovernmental organization, a natural or legal person or a group of persons to carry out any act

⁹ Signed in Tokyo on 14 September 1963. Entered into force on 4 December 1969, Status: 185 Parties.

¹⁰ Signed in Montreal on 23 September 1971. Entered into force on 26 January 1973, the situation was adopted in New York on 14 December 1973. Entered into force on 20 February 1977 Status: 172 Parties: 188 Parties.

¹¹ The Convention consists of a preamble and sixteen articles. The preamble states that the purpose of this Convention is to take effective measures to ensure that perpetrators of terrorist acts do not escape conviction. Ensuring that they are subject to trial and applying deterrent penalties.

¹² Adopted in New York on 17 December 1979. Entered into force on 3 July 1983. Status: 167 Parties.

or To refrain from doing so as an express or implied condition for the release of the hostage, shall be guilty of the crime of hostage-taking within the meaning of this Convention."

6. 1980 Convention on the Physical Protection of Nuclear Material, Convention on Nuclear Material¹³. The illegal possession, use, transfer or theft of nuclear material, as well as the threat of the use of nuclear material to cause death, serious injury or substantial property losses, and the amendments to Entered into the Convention on the Physical Protection of Nuclear Material. And to provide for the expansion of cooperation between States with regard to the promptness of taking measures to locate or retrieve stolen or smuggled nuclear material, to mitigate any radiological or destructive consequences, and to prevent crimes involving Relevance and control.
7. Protocol of 1988 for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation¹⁴, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. The provisions of the Montreal Convention are expanded to include terrorist acts at airports serving international civil aviation.
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation on Terrorist Activities on Ships, 1988¹⁵. Establishes a legal regime applicable to acts against international maritime traffic and is similar to those established for international aviation; and criminalizes that a person unlawfully and unlawfully detains and controls a ship by force, threat or intimidation to commit acts of violence against a person on board a ship, That such work jeopardizes the safety of the ship's navigation; the placing of explosive devices or materials aboard a ship; or any other acts that threaten the safety of the vessels.
9. The 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, concerning Terrorist Activities on Fixed Platforms in Maritime Areas¹⁶. Establishes a legal regime applicable to acts against fixed installations on the continental shelf similar to those for international aviation.
10. 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf¹⁷. The changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation shall be adapted to the context of the fixed installations on the continental shelf.
11. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection¹⁸. (Negotiated after the bombing of Ban Am 103 bombing in 1988); the parties are obliged to ensure effective control in a territory Each of which contains "undifferentiated" plastic explosives, that is, those that do not contain any of the detection agents contained in the Technical Annex to the Treaty; each Party shall, inter alia, take the necessary and effective measures to prohibit and prevent the manufacture of non-distinctive plastic explosives; And to ensure that all non-distinctive explosive stocks that are not in the possession of the police or the army are consumed, disposed of, discriminated against or invalidated; Permanent effect within three years.

¹³ Signed in Vienna on 26 October 1979. It entered into force on 8 February 1987. Status: 142 Parties.

¹⁴ Signed in Montreal on 24 February 1988. Entered into force on 6 August 1989. Status: 171 Parties.

¹⁵ Signed in Rome on 10 March 1988. It entered into force on 1 March 1992, Status: 156 Parties

¹⁶ Concluded at Rome on 10 March 1988. Entered into force on 1 March 1992, status: 144 parties

¹⁷ Concluded in London on 14 October 2005, status: 16 Parties.

¹⁸ Held in Montreal on 1 March 1991 and entered into force on 21 June 1998. Status: 144 Parties.

12. The 1997 International Convention for the Suppression of Terrorist Bombings established a system of universal jurisdiction for the unlawful and intentional use of explosives and other lethal devices¹⁹ in or against specific public places with the intent to cause death or serious bodily injury, Massive destruction of public places.
13. The 1999²⁰ International Convention for the Suppression of the Financing of Terrorism states that Parties shall take steps to prevent and prevent the financing of terrorists, whether directly or indirectly, by groups claiming to have charitable, social or cultural objectives or Such as trafficking in drugs or arms smuggling; obligating States to charge those who finance terrorism with criminal, civil or administrative responsibility for doing so; and to identify, freeze and confiscate funds for terrorist activities, as well as the sharing of funds derived from confiscation with other States, On a case-by-case basis Unit. Banking secrets are no longer sufficient reason to refrain from cooperation.
14. The International Convention for the Suppression of Acts of Nuclear Terrorism of 2005²¹ includes a wide range of possible acts and objectives, including nuclear power plants and nuclear reactors; including the threat of attempted commission or attempted crime or participation as a partner; providing for the extradition or prosecution of perpetrators; States to cooperate in preventing terrorist attacks by exchanging information and cooperating in the context of criminal investigations and extradition proceedings; addressing both crisis situations (assisting States in resolving crises) and post-crisis situations (securing nuclear material through the International Atomic Energy Agency Confidentiality).

II. Combating Money Laundry to Finance Terrorism According To International Documents

The crime of money laundering is one of the most serious crimes at present because of the financing of illegal acts. It is a serious scourge to the global economy because of its association with organized and unregulated crime such as the illicit trade in drugs and weapons, looting of public funds, breach of trust, forgery of money, public support, official liberties, bribery, So it was necessary to establish international principles and standards governing the activities of financial and banking institutions and to strengthen the fight against money laundering and the financing of illegal activities.

In addition to United Nations initiatives through international conventions Related to combating money laundering:

1. established the Group of Seven industrialized nations in 1989 FATF Anti-Money Laundering (FATF) and summarized its objectives in educating all States of the risk of money laundering and making recommendations in this regard, has this group the following year established in 1990 by issuing (40) recommendation and added to it after the events of 11 September 2001 (9) new recommendations represent these recommendations in the aggregate essential elements of the plans and measures to combat money laundering these recommendations are subject to revision from time to time in order to develop and introduce necessary amendments in the light of new events and discovers the means and methods of money laundering offenses, and there are many Machines International legacies cannot be mentioned here.
2. The United Nations Convention against Illicit Traffic, the Basel Declaration of Banks, the Vienna Convention of 1988 and the Italy Convention of 2000.

¹⁹ Held in New York on 15 December 1997. It entered into force on 23 May 2001. Status: 164 Parties

²⁰Held in New York on 9 December 1999. Entered into force on 10 April 2002 Status: 173 Parties.

²¹ Signed in New York on 13 April 2005 Not yet in force (open for signature from 14 September 2005 to 31 December 2006) Status: 65 Parties.

3. At the international level, the 1988 Vienna Convention entitled "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", which is one of the conventions that attempted to unify international efforts to combat money-laundering, The crime of money-laundering was not directly defined but dealt with article III of that Convention to enumerate the acts constituting money-laundering offenses, stating that the following acts constituted money-laundering offenses;
4. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna) 1988 is the first step towards recognition of the international community's obligation to prevent illicit trafficking in narcotic drugs;
5. The Treaty on the Seven Industrialized Countries (FATF) The Working Group issued a report containing some 40 recommendations of great importance as an important international document that will have the greatest impact in combating the crime of money-laundering (Omar, 2012)
6. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention) in 1988, which entered into force internationally in 1995.
7. United Nations Convention against Transnational Organized Crime (Palermo Convention) in 2000;
8. Recommendations of the International Organization of Securities Commissions (IOSCO), in the area of combating money-laundering and financial crimes, to avoid the use of brokerage activities in securities for illicit purposes. It should be noted that in October 1992, the organization, through its main committee, issued a resolution that included a set of anti-money laundering measures to be taken by its members (securities bodies) in the framework of its supervisory processes over the parties under its control and authority. These procedures require securities authorities;
9. The Association of Insurance Supervisors (IAIS), in October 2000, issued the Basic Principles of Insurance (17 principles), which showed the role of the supervisory authorities in dealing with financial crimes and money laundering, and the importance of exchanging information with similar foreign authorities. The most important of these principles is the Second Principle on Licensing Requirements, the Fifth Principle on Internal Control and the Eleventh Principle on Market Practice. In this month, the Assembly issued Security Council Resolution 1373 in September 2001, which called on each side of each country to take measures to combat the financing of terrorist activities, including the criminalization of such operations, the freezing of suspicious stocks and the prevention of transfers and payments to suspicious entities²².
10. The United Nations Convention against Corruption (UNCAC) 2003 came into force on 14 December 2005 and is the most comprehensive and powerful convention against corruption on a global scale.

III. International Convention for the Suppression of the Financing of Terrorism

In 1999, the International Convention for the Suppression of the Financing of Terrorism was adopted²³. The preamble to this Convention is based on the Charter and Principles of the United Nations concerning the maintenance of international peace and security, the promotion of good-neighborly relations, friendship and cooperation among States and the escalation of acts of terrorism in all its forms and manifestations throughout the world²⁴. Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations and all relevant resolutions of the General Assembly on this question and its annex to the Declaration on Measures to Eliminate International Terrorism, in which the States Members of the United Nations As well as the right to self-

²² Arab Monetary Fund, <http://cbl.gov.ly/pdf/06>

²³ Adopted and offered for signature, ratification and accession by General Assembly resolution 54/109 of 9 December 1999.

²⁴ These include: resolution 49/60 of 9 December 1994;

determination of all States and peoples, as well as the right to self-determination of all States and peoples, and reaffirms its unequivocal condemnation of all acts²⁵, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, To review urgently the scope of existing international legal provisions on the prevention, suppression and suppression of terrorism in all its forms and manifestations, with a view to ensuring a comprehensive legal framework covering all aspects of this question and a reference to the request of the General Assembly to take steps, To prevent, prevent and prevent the financing of terrorist and terrorist organizations, whether directly or indirectly through or alleged by charitable, social or cultural organizations, or also engage in illegal activities such as extortion of funds, including the exploitation of persons for purposes of The financing of terrorist activities and, in particular, consider, if necessary, the adoption of regulatory measures to prevent and address the movement of funds suspected of terrorist purposes, without in any way impeding the right to free movement of legitimate capital and in expanding the exchange of information on movements and referred to the request of the General Assembly to implement anti-terrorism resolutions on the elaboration of an international convention to prevent the financing of terrorism²⁶.

The financing of terrorism is of grave concern to the entire international community, The agreements defined the terms of the funds, government facility and proceeds²⁷. And defined what follows:

I. Persons Who Commit Terrorist Financing Offenses

1. Any person who, by any means, directly or indirectly, unlawfully and willingly, makes or collects funds with the intention of using them, or knows that they will be used in whole or in part, to:
 - (a) an act constituting an offense within the scope of a treaty contained in the annex;
 - (b) Any other act aimed at causing the death or serious bodily injury of a civilian or any other person when such person is not engaged in hostilities in the event of an armed conflict when the purpose of that act, by its nature or context, Intended to intimidate the population or to compel a Government or an international organization to do or refrain from doing any act.

II. Conventions on Terrorism to Which States are Committed

The Convention lists a number of agreements to which States are committed. Which:

- A. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.
- B. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

²⁵ Paragraph 3 (f) of General Assembly resolution 51/210 of 17 December 1996,

²⁶ Paragraph 3 (f) of General Assembly resolution 51/210 of 17 December 1996,

General Assembly resolution 52/165 of 15 December 1997, in which the Assembly requested States to consider, in particular, the implementation of the measures contained in paragraphs 3 (a) to (f) of its resolution 51 / 210 and General Assembly resolution 53/108 of 8 December 1998, in which the Assembly decided that the Ad Hoc Committee established by General Assembly resolution 51/120 of 17 December 1996

²⁷ Article 1 of the International Convention for the Suppression of the Financing of Terrorism states: "For the purposes of this Convention:

1. "Funds" means any kind of tangible or immovable property, movable or immovable obtained by any means, and legal documents or instruments of any form, including electronic or digital form, indicating ownership of such funds or Including, but not limited to, bank credits, travel checks, bank checks, remittances, shares, securities, bonds, promissory notes and letters of credit.
2. "Governmental or public facility" means any permanent or temporary means of transport used or operated by representatives of the State, members of the Government, Parliament, the judiciary, officials or officials of the State, any public authority, entity, officials or employees An intergovernmental organization within the framework of their official functions.
3. "Proceeds" means any funds arising or obtained, directly or indirectly, from the commission of an offense referred to in article 2. "

- C. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973;
- D. International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979;
- E. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980;
- F. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementing the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
- G. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988.

Article 2 of the Convention allowed States not to apply the Conventions attached to the International Convention for the Suppression of the Financing of Terrorism by their reservations to accede to the Convention as they would not apply the Conventions²⁸. However, if the State has not regulated these conventions annexed to the International Convention for the Suppression of the Financing of Terrorism, it may declare its application and consider it part of this Convention²⁹.

Third: The Acts of Financing Punishable by it

1. Financing shall be deemed to be one of the specific offenses and if funds are not actually used for the commission of a fund-raising crime;
2. The crime is committed solely to the attempt to finance terrorism.
3. A person commits an offense if he commits the following:
 - (A) Participates as a partner in a crime set out in the Convention;
 - (B) The person merely organizes the commission of a crime or orders other persons to commit it;
 - (C) Partners shall be deemed to have committed one or more of the offenses referred to in the Convention by a group of persons with a common purpose; such participation shall be deliberate and carried out either with the aim of expanding the criminal activity or criminal purpose of the group when that activity or purpose involves the commission of any of the offenses referred to Or by the intention of the group to commit an offense referred to in paragraph 1 of this article³⁰.

The agreement did not respond to this organization. We tried to arrange these subjects so that they could be understood legally. The wording of the agreement was not good.

III. Obligations of States

The Convention has obligations on States:

²⁸ Paragraph 2 of the International Convention for the Suppression of the Financing of Terrorism states: "(a) Upon deposit of an instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty included in the annex may declare, To the State party, that such a treaty is not included in the annex referred to in subparagraph (a) of paragraph 1. The declaration will cease to exist once the treaty enters into force for the State party, which will inform the depositor of the matter;

²⁹Article 2 of the International Convention for the Suppression of the Financing of Terrorism states: "(2) (b) If a State Party is not a party to a treaty included in the annex, that State may make a declaration, as provided for in this article, on that treaty. "

³⁰Article 2 of the International Convention for the Suppression of the Financing of Terrorism.

1. If the crime is committed within one State that is within the jurisdiction of that State and the other States shall not interfere. The formulation of the Convention was not successful in this respect³¹;
2. To consider the offenses set out in the Convention as criminal offenses under its domestic law;
3. Punish of those crimes with appropriate penalties which take due account of their severity³².
We believe that this text is not useful because crime is committed within States and it is legally responsible for punishing those who commit it and does not require an international convention to do so;
4. Each State Party shall take the necessary measures, in accordance with its domestic legal principles, to enable any legal entity existing in its territory or regulated under its laws to be held liable if a person responsible for the administration or administration of that entity commits an offense set out in the Convention. Such liability may be criminal, civil or administrative;
5. To bear this responsibility without prejudice to the criminal responsibility of individuals who have committed the offenses;
6. Each State Party shall, in particular, ensure that legal entities responsible for effective, appropriate and dissuasive criminal, civil or administrative sanctions are brought to bear. Such sanctions may include monetary sanctions³³.
7. Each State Party shall adopt such measures as may be necessary, including domestic legislation, where appropriate, to ensure that criminal acts within the scope of this Convention are not, in any event, justified by considerations of a political, philosophical, ideological, racial, ethnic, religious or Any other similar character³⁴.

IV. Jurisdiction of States

The Convention defines the jurisdiction of States to penalize the financing of terrorist crimes as follows:

1. Each State Party shall take the necessary measures to establish its jurisdiction in respect of the offenses referred to in article 2 when the offense is committed in the territory of that State; or on board a vessel with the flag of that State or aircraft registered under the laws of that State at the time of the commission of the offense ;
Or by a national of that State;
2. Each State Party may also determine its jurisdiction over such offenses in the following cases:
 - a. if the object of the crime or its result is the commission of an offense within the territory of that State or against one of its nationals;
 - b. if the object of the crime or its result is the commission of an offense referred to in the Convention against a State or public facility of that State and situated outside its territory, including the diplomatic or consular premises of that State;
 - c. if the object of the crime or its result is the commission of an offense in the Convention in an attempt to compel that State to do or to refrain from doing any act;
 - d. If the offense is committed by a stateless person whose habitual residence is in the territory of that State;
 - e. If the crime is committed on board an aircraft operated by the Government of that State.

³¹ Article 3 of the International Convention for the Suppression of the Financing of Terrorism states: "This Convention shall not apply if the offense is committed within one State and the alleged offender is a national of that State and is present in its territory. No other State, under paragraph 1 Or 2 of article 7, is the basis for the exercise of its jurisdiction, the provisions of articles 12 to 18 apply in such cases, as appropriate.

³²Article 4 of the International Convention for the Suppression of the Financing of Terrorism.

³³Article 5 of the International Convention for the Suppression of the Financing of Terrorism.

³⁴Article 6 of the International Convention for the Suppression of the Financing of Terrorism.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of its jurisdiction and in the event of any change, the State Party concerned shall immediately notify the Secretary-General.
4. Each State Party shall also take the necessary measures to establish its jurisdiction in respect of the offenses referred to in the Convention in cases where the alleged offender is present in its territory and in cases where it has not surrendered it to any of the States Parties that have established jurisdiction over such offenses.
5. When more than one State Party has jurisdiction over the offenses set out in the Convention, States Parties concerned shall coordinate their procedures adequately, in particular with regard to the conditions of the trial and the modalities of mutual legal assistance.
6. This Convention shall not exclude the exercise of any jurisdiction established by a State Party in accordance with its domestic law, without prejudice to the general rules of international law³⁵.

The researcher believes that these rules are general rules, and that the new thing is to coordinate between countries to prevent the financing and punishment of terrorism so as not to overlap jurisdictions in the prosecution of persons by two countries for the same crime.

7. Each State Party shall take appropriate measures in accordance with its domestic legal principles to identify, detect, freeze or seize any funds used or earmarked for the purpose of committing the offenses as well as proceeds from such offenses for the purpose of confiscation, as appropriate. Each State shall, in accordance with its domestic legal principles, take appropriate measures to confiscate the funds used or allocated for the purpose of committing the offenses set forth in article 2, as well as proceeds from such offenses. Each State Party concerned may consider entering into agreements providing for the sharing of funds derived from the confiscation referred to in this article with other States, in all cases or on a case-by-case basis³⁶.

V. Cooperation among States to Prevent the Financing of Terrorism

The Convention on the Suppression of the Financing of Terrorism regulates cooperation between states to prevent the financing of terrorism. States are obliged to cooperate with each other to prevent the financing of terrorism. When the State party receives information that the alleged perpetrator or perpetrator of an offense referred to in article 2 may be located in its territory, that State Party shall take the necessary measures in accordance with its domestic legislation to investigate the facts reported to it. The State Party in which the alleged offender or perpetrator is present in its territory, if it considers that the circumstances so warrant, shall take appropriate measures under its domestic legislation to ensure that such person is present for the purpose of trial or extradition. When a State Party holds a person, it shall immediately notify the States Parties which have decided their jurisdiction and any other States Parties concerned, directly or through the Secretary-General of the United Nations, if they deem it necessary to do so, that such person is in detention and the circumstances that justify his detention. The State conducting the investigation shall immediately inform the States parties of the results of that investigation and shall indicate to it whether it intends to exercise its jurisdiction³⁷.

If the State Party in whose territory the alleged offender is present does not extradite that person, it shall be obliged to refer the case without undue delay and without any exception and whether or not the offense was committed in its territory to its competent authorities for the purpose of criminal prosecution, Legislation of that State. Such authorities shall take their decision in the same manner as in the case of any other offense of a serious nature in accordance with the law of that State.

³⁵Article 7 of the above Convention.

³⁶Article 8 of the above Convention.

³⁷Article 9 of the above Convention.

When the domestic legislation of a State Party permits the extradition of a national of its nationality only on the condition that it is returned to it for the sentence imposed on it as a result of the trial or the proceedings for which extradition has been requested, the State and the State requesting such extradition agree to such a formula and such other conditions as it deems appropriate, Conditional extradition shall be sufficient to exempt the requested State Party from the obligation³⁸.

VI. Extradition of those Accused of Terrorist Financing Offenses

The Convention on Combating the Financing of Terrorism regulates the extradition of accused persons and criminals among member states in the following manner:

1. Crimes against the financing of terrorism shall be defined by force of law as extraditable offenses provided for in any extradition treaty entered into between the States Parties prior to the entry into force of this Convention. States undertake to consider such offenses as extraditable offenses in any extradition treaty to be concluded between them thereafter. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State may consider this Convention as the legal basis for extradition in respect of the offenses referred to in article 2. The extradition is subject to other conditions provided for in the legislation of the requested State.
2. Where necessary, offenses relating to the financing of terrorism for the purpose of extradition shall be treated among States Parties as if they were committed not only in the place of their occurrence but also in the territories of the States which have decided their jurisdiction³⁹;
3. The provisions of all extradition treaties or agreements concluded between States Parties in respect of the offenses referred to in article 2 shall be amended between those States if they are inconsistent with this Convention.
4. States shall afford the widest measure of legal assistance in respect of any investigations, criminal proceedings or extradition proceedings relating to offenses for the financing of terrorism, including assistance in obtaining evidence necessary for such proceedings. States parties may not invoke the secrecy of bank transactions to refuse a request for mutual legal assistance;
5. The requesting State, without the prior consent of the requested State to provide information or evidence for purposes of investigation, prosecution or judicial proceedings, may not transmit or use such information or evidence for purposes other than those contained in the request.
6. States shall fulfill their obligations in conformity with any other treaties or arrangements on mutual legal assistance or information that may exist between them. In the absence of such treaties or arrangements, States Parties shall exchange such assistance in accordance with their domestic legislation⁴⁰.
7. For the purpose of extradition or mutual legal assistance, any crime relating to the financing of terrorism shall not be considered a financial offense. States parties may therefore not invoke the financial nature of the crime alone to refuse a request for mutual legal assistance or extradition⁴¹.

This means that the accused person is charged with two offenses, the first a financial crime and the second financing terrorism. In this case, the person is charged with one crime, which is a crime of financing terrorism and not a financial offense.

³⁸Article 10 of the above Convention.

³⁹Article 11 of the above Convention.

⁴⁰Article 12 of the above Convention.

⁴¹Article 13 of the above Convention.

8. For the purpose of extradition or mutual legal assistance between States Parties, any offense relating to the financing of terrorism shall not be considered a political offense or an offense connected with a political offense or a politically motivated crime. Thus, a request for extradition or mutual legal assistance based on such an offense may not be refused merely because it concerns a political offense or an offense connected with a political offense or a politically motivated crime⁴².

This means that the Convention has stripped the terrorist financing offenses of political character, although politically motivated. This is in response to UN Security Council Resolutions 1368 and 1373 issued in 2001, which defined terrorist crimes as political. Accordingly, we see that the accused of the crime of financing terrorism is not entitled to seek political asylum;

9. According to the Convention, it may not be construed as imposing an obligation to extradite or to exchange legal assistance if the requested State Party has good grounds to believe that the request for extradition for the offenses set forth in the financing of terrorism or the request for mutual legal assistance in respect of such offenses, has been submitted with a view to prosecuting or punishing a person for race, religion, nationality, ethnic origin or political opinions, or to believe that their response to the request would prejudice the person's status for any of these reasons⁴³.

VII. Legal and Judicial Assistance among States

The Convention on Combating the Financing of Terrorism defines cooperation between States in the field of legal and judicial matters, as follows:

1. A person detained or sentenced in the territory of a State Party and whose presence is requested in another State Party for purposes of identification, testimony or other assistance may be transferred to, or tried to obtain, evidence for the purpose of investigating or prosecuting the offenses set forth in article 2, if the following conditions are fulfilled: first, the consent of that person voluntarily and with full knowledge; and second, the consent of the competent authorities of both States to the transfer, subject to the conditions they deem appropriate.

The State to which the person is transferred shall be held in custody and shall be bound by that unless the State from which it is transferred requires or authorizes the State to which the person is transferred, without delay, to fulfill its obligation to return it to the custody of the State from which it was transferred. The State to which the person is transferred may not require the State from which he was transferred to initiate extradition proceedings in order to return him to it; the person transferred shall be counted for the period of time spent in detention by the State to which he was transferred, as of the duration of the sentence imposed on him in the State J was transferred. Such person shall not be tried for any nationality, detention or other restrictions on his freedom of movement in the territory of the State to which he is transferred for any acts or convictions prior to his departure from the territory of the State from which he was transferred⁴⁴.

Any person placed in custody or on whom any other proceedings or proceedings are instituted pursuant to this Convention shall be treated fairly and all rights and guarantees under the legislation of the State in which such person is present and the applicable provisions of international law, including human rights provisions.

2. States Parties shall cooperate in the prevention of the offenses set forth in article 2 by taking all possible measures, inter alia, to adapt their domestic legislation where necessary to prevent or frustrate preparations in their respective territories for the commission of such offenses within or outside their territories, including: In their territories, the unlawful activities of persons who are encouraged by the

⁴² Article 14 of the above Convention.

⁴³ Article 15 of the above Convention.

⁴⁴ Article 16 of the above Convention.

offenses of the financing, instigators, organizers or perpetrators of terrorism and persons and organizations; and take measures to bind financial institutions and other professions involved in financial transactions, using the most efficient measures available to verify the identities of The usual or occasional loyalty, as well as the identities of customers who open accounts for them and pay special attention to unusual or suspicious transactions and report transactions suspected of criminal activity. To this end, States Parties shall consider:

- a. Establish regulations prohibiting the opening of accounts whose owner or beneficiary is anonymous or whose identity cannot be verified, and take measures to ensure that such institutions verify the identity of the true owners of such transactions;
 - b. To require financial institutions, where appropriate, to take measures to verify the existence of the client and its legal structure by obtaining from him or from any public registry or from both, evidence of his registration as a company, including information relating to the name of the client , Its legal form, its address and the names of its directors, and the provisions governing the power to bind that entity;
 - c. Establish regulations that impose on financial institutions an obligation to immediately inform the competent authorities of all large complex irregular transactions and unusual patterns of transactions that have no apparent economic purpose or legal objective, without fear of criminal or civil liability for breach of any restriction requiring disclosure Information, if it has expressed its suspicions in good faith;
3. To oblige financial institutions to maintain, for at least five years, all necessary records relating to domestic and international transactions. States Parties shall also cooperate in the prevention of crimes related to the financing of terrorism in the following:
- a. the possibility of establishing measures to supervise all the money transfer agencies, including, for example, licensing;
 - b. The possibility of applying measures allowing the detection or monitoring of physical trans-boundary movement of cash or negotiable instruments to its bearer, subject to strict guarantees intended to ensure the proper use of the information and without prejudice to any form of free movement of capital.
4. States Parties shall also cooperate in the prevention of offenses for the financing of terrorism by exchanging accurate and verified information in accordance with the provisions of their domestic legislation and coordinating administrative and other measures taken, as appropriate, to prevent the commission of offenses for the financing of terrorism:
- a. Establish channels of communication between its competent organs and services and maintain such channels to facilitate the safe and rapid exchange of information on all aspects of crimes related to the financing of terrorism;
 - b. To cooperate with each other in conducting investigations into the crimes identified in the crimes of the financing of terrorism in connection with the identification of persons with reasonable suspicion of involvement in such crimes, their location and activities;
 - c. Movement of funds related to the commission of such offenses;
5. States Parties may exchange information through the International Criminal Police Organization (Interpol)⁴⁵ .

⁴⁵Article 18 of the above Convention.

6. The State Party in which the alleged offender is prosecuted shall, in accordance with its domestic legislation or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit such information to other States Parties⁴⁶;
7. States Parties shall implement the obligations set forth in this Convention in conformity with the principles of sovereign equality and territorial integrity of States and the principle of non-interference in the internal affairs of other States⁴⁷.

The researcher that in addition to the above text that equality between states, and their territorial integrity and the principle of non-interference in the internal affairs of the countries stipulated by the United Nations⁴⁸.

2. CONCLUSION

It is clear from this research that the international community has been subjected to a wave of global terrorism that has killed millions of people, especially civilians. As well as the destruction of property and infrastructure of countries, particularly developing countries. Terrorism would not have been this way without financial support from some countries and organizations through money laundering, which has helped terrorism continue and destroy.

The international community has taken many measures, including several multilateral and bilateral international agreements to combat money laundering to finance terrorism. Several international conferences have also been taken to reduce this. Political and financial measures have been taken to stop money laundering to fund terrorism. But these measures were not enough to stop money laundering to fund terrorism. Therefore, the researcher recommends the following:

1. The boycott of States and international organizations financing terrorism;
2. tight control of banks and financial institutions that transfer funds to terrorists;
3. Control the transfer of foreign funds without legal basis to disclose the reasons for the transfer of these funds and the purpose thereof;
4. Adoption of transparency in the transfer of funds from one country to another under strict procedures allows knowing the transfer of this money and the sending party and the beneficiary.

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⁴⁶Article 19 of the above Convention.

⁴⁷Article 20 of the above Convention.

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