

Countering Financing of Terrorism Bill

Introduction

Bearing in mind that the Islamic Republic of Iran, being inspired by the noble teachings of Islam and the genuine tolerant Iranian culture, has strongly condemned terrorism and has applied its utmost efforts to combat all its forms and manifestations,

Declaring that an effective way of combating terrorism is to deprive terrorist groups/organizations from their financial resources which would have a great impact on the their elimination,

In view of mounting threats resulting from terrorism due to the growing terrorist financing and the close connection between international terrorism and transnational organized crimes as well as terrorist support groups,

Considering the approach of international community on countering terrorism and its financing and the importance of suppression of terrorism financing for the Islamic Republic of Iran that has been the victim of terrorism and anti-revolutionary groups/organizations and the fact that Iran has suffered from this evil phenomenon after the victory of revolution,

Recognizing the need for strengthening legislative and executive measures in order to combat effectively various forms and ways of financing terrorism,

The following Bill is hereby submitted for the consideration and enactment by the Islamic Consultative Assembly of Iran (Iran parliament)

Article 1: Any person who, by any means, provides or collects, directly or indirectly, assets or funds with the intention that they should be used, in full or in part, by himself/herself or any other person in order to carry out the followings or with the intention to assist or in the knowledge that these funds or assets are to be used for the purposes listed below, such as opening an account, directly or indirectly, providing bank credits, collecting charity, providing financial and monetary facilities, smuggling foreign currency, transfer of money, buying financial and credit papers and other economic activities, if these actions are not regarded as *moharebeh*, shall be subject, proportionate to the gravity of the action, to 2 to 10 years imprisonment and fine equivalent to 2 to 10 times of the amount of financing in addition to the confiscation of the assets and the proceeds. Any person attempts to commit the offence, even if for any reason fails to achieve the result, he/she shall be sentenced as an aider and abettor.

1. Intimidating a population by committing or threatening to commit criminal offences or to carry out acts of violence for the purpose of influencing the policies, decisions or measures taken by the government of the Islamic Republic of Iran, other countries or

international organizations which have representative office in the territory of the Islamic Republic of Iran.

2. Commission of the following criminal offences, provided that all conditions in paragraph 1 above are met:

A. Murder, threat to murder, attempt/ carry out an act of violence that causes death or serious bodily injury against civilian persons, abduction or unlawful detention and taking of hostages.

B. Knowingly committing acts of violence against individuals who enjoy international immunity in such a way that their lives and liberty will/could be in danger.

C. Sabotage in governmental and non-governmental property or public establishments which causes serious damage, loss or disruption in their effective and normal operation or performance.

D. Causing substantial damage to the environment such as poisoning water resources and setting fire to forests.

E. Producing, possessing, acquiring, transferring, stealing, obtaining by deceit, smuggling, transporting, storing, illegal stockpiling of toxic, chemical, microbial and biological substances and materials.

F. Producing, providing, smuggling, trading and unlawful use of explosives, weapons and ammunitions.

3. Commission of the following acts, regardless of the results and the motives of the perpetrator:

A. Actions jeopardizing the safety of airplanes or aviation.

B. Unlawful control or seizure of an aircraft while in flight.

C. Committing acts of violence against passenger(s) and crew or dangerous acts against existing property inside a flying airplane with the intention of intimidating provided that it jeopardizes the safety of the aircraft.

D. Producing, possessing, acquiring, transferring, stealing, obtaining by deceit, smuggling, transporting, storing, stockpiling, enriching, and unlawful explosion of nuclear materials or substances to the extent that has no rational justification for medical, scientific or other peaceful purposes.

E. Producing, possessing, acquiring, transferring, stealing, obtaining by deceit, smuggling, transporting, storing, and stockpiling of nuclear, chemical, biological and microbial weapons.

F. Using or threatening to use nuclear, chemical, microbial and biological weapons.

G. Exercising unlawful control or seizure of a vessel or causing destruction or serious damage to a vessel, its cargo, crew and passenger(s) in such a way that jeopardizes the safety of maritime navigation or providing false information with the aim of jeopardizing the safety of maritime navigation or commission of piracy.

H. Unlawful control or seizure of platforms or maritime establishments or committing acts of violence against individual(s) present on these establishments or committing any act with the aim of causing damage or destruction of these platforms and establishments in such a way that jeopardize their safety.

I. Planting bombs in public places, governmental establishments, public transport network or infrastructures.

4. Commission of offences which are regarded as terrorist offences in accordance with special Acts and/or International Conventions to which the Islamic Republic of Iran has acceded to.

Note 1. Regardless of the jurisdiction of the commission of the offence, nationality or domicile of the perpetrator, the provisions of this Act shall be applied on the basis of reciprocity for the prosecution of terrorism financing against other countries.

Note 2. Actions taken by nations, groups or liberation organizations for the purpose of putting an end to foreign occupation, colonialism and racism are not considered as acts of terrorism stipulated in this Act.

Article 2. Aiding and abetting of the commission of an offence covered by Article 1, as well as organizing or directing others to commit this offence or contributing to the commission of one or more offences by a group of persons with a common purpose in committing the same, shall be subject to a minimum two years imprisonment.

Article 3. In case of commission of offences covered by articles 1 and 2 by a legal person, directors and all others who are in the knowledge of the intention of the person or the group to commit the offence and exercising management or control over it shall be liable to sentencing as an aider and abettor. The liability of these persons does not affect the criminal liability of the perpetrators. The legal person shall be convicted to fine up to five times of the fine stipulated in article 1. In addition to the aforesaid sentence, dissolution of the legal person may also be ordered by the court.

Article 4. The prosecuting authorities are obliged to take all necessary measures to identify, trace, seize, freeze and confiscate all assets, funds and instrumentalities used, spent or allocated for the commission of the offences covered by this Act as well as proceeds derived from such offences (if not available, the equivalent or its price thereof).

Article 5. In addition to sentences stipulated in articles 1 and 2, the court is obliged to order, when the case warrants, seizure of the funds and assets, freezing of bank accounts,

confiscation of property and proceeds obtained by the perpetrators as well as rendering provisional or permanent deprivation of social rights.

Article 6. Leading two or more persons in the commission of offences covered by this Act as well as using government funds, whether considered as an aider or abettor or principal perpetrator, may aggravate the sentences. If the offence is an organized crime, the maximum penalty stipulated in this Act shall be applied.

Article 7. Persons who cooperate with the relevant authorities, before detection of the offence or during the investigations, in order to clear the aspects of the offence shall benefit from mitigation in their sentencing.

Article 8. Any person who, being involved in financial support groups of terrorism and having no leadership or main position, provides to the government officers, before the commencement of the prosecution, the names of the persons involved in the offences covered by this Act and their criminal intentions or collaborates with the government officers after commencement of the prosecution shall be immune from punishment. In case of committing another offence, he/she shall be convicted only for that offence.

Article 9. The Provincial Criminal Courts have jurisdiction over offences covered by this Act and the appeal chamber is the Supreme Court.

Article 10. Offences covered by this Act are not subject to political offences and to their special attributes stipulated in Article 168 of the Constitution of the Islamic Republic of Iran.

Article 11. In cases in which prosecution of offences covered by this Act are within the jurisdiction of each member state of international treaties to which the Islamic Republic of Iran is a party and the accused is found in the territory of Islamic Republic of Iran, Iranian courts have jurisdiction in accordance with the provisions of this Act.

Article 12. The Tehran Provincial Court have jurisdiction over the offences covered by this Act which are committed outside Iran and against the government of the Islamic Republic of Iran or against international organizations located in Iran.

Article 13. In order to prevent the commission of the offences covered by this Act, the government is obliged to take necessary measures for the prevention of unlawful activities of individuals, groups and organizations that encourage, incite, organize or involve in the commission of these offences. The government is also obliged to exercise necessary supervision over the activities of legal persons (such as credit institutions, charities, non-profit organizations, financial institutions, guilds) and methods (alternative remittance systems and cash courier) to ensure that they are not being used for purposes of terrorism financing.

Article 14. All persons subject to the Anti Money Laundering Law of 1386 [equal to 2008] are obliged, in accordance with the article 4 of the said Law, to report suspected activities of terrorism financing to the High Council of Anti Money-Laundering. The aforesaid council is obliged to send the reports of

suspicious activities covered by this Law to the relevant authorities for further actions. Other persons are also obliged to report such cases to the law enforcement authorities for further legal actions.

Note 1: where a person mentioned above knowingly and deliberately or for the purpose of helping or facilitating the commission of the offence fails to fulfill the said obligations, he/she would be considered as an aider and abettor. If the failure to report or inform is due to negligence or recklessness, in addition to administrative and disciplinary punishments, his/her membership in associations, institutions, professional and technical unions and also in the board of directors of companies and non-commercial institutions shall be cancelled and also he/she shall be convicted to be barred from doing such activities, as the case warrants.

Note 2. Persons reporting to the competent authorities in accordance with this article shall not be subject to liability relating to disclosure of secret information of persons.

Article 17. All foreign natural and legal persons through whom the offences covered by this Act are committed shall be liable to be convicted as an aider and abettor.

Article 18. If terrorism financing is a predicate offence of money-laundering, the perpetrator shall be sentenced to the maximum punishments stipulated in this Act.

Article 19. In order to implement this Act, the government of the Islamic Republic of Iran applies, in accordance with applicable regulations and its international obligations, all international cooperation mechanisms stipulated in the "Law on Accession of the Islamic Republic of Iran to the United Nations Convention against Corruption".

Note: The High Council of AML shall approve the names of the countries subject to this article.

Article 20. All necessary implementing regulations for this Act shall be proposed by the High Council of AML and approved by the Council of Ministers within three months after promulgation of the Act.