

## The nature and examples of the crime of financing terrorism and ways to combat it

### Abstract

The crime of terrorist financing is almost nascent in the Iranian penal system, which was criminalized on 11/13/2015 according to the Anti-Terrorist Financing Law. Due to differences in the structure of the discourse on the definition of the concept of international terrorism, the law, without defining terrorism and its criminalization, determined the punishment for financing terrorism. Traditional crimes; Such as corruption on earth with the concept of terrorism, have led to a lack of proper understanding of terrorist behavior, and the lack of differential criminal policy in this regard may reduce the impact of the clashes. More importantly, the Iranian penal system has looked at the issue of terrorism with the mentioned traditional structures, without considering the policies against counter-organized crimes, which are fully related to terrorist crimes. However, although there is no correct understanding of terrorism in Iranian law, it can be said that the adoption of this law means the determination of the Islamic Republic of Iran to fight the foundations of terrorist behavior.

**Keywords:** *terrorist financing, money laundering, terrorist groups, criminal law of the Islamic Republic of Iran.*

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### Introduction

The crime of terrorist financing has several instances of behavior, some of which have a large conceptual gap, and some of which are merely facilitators of financing. Examples of terrorist behavior are also widespread and difficult to distinguish from other criminal titles. Accordingly, it was necessary to examine their examples. The crime of financing terrorism is inherently omission and includes any behavior that is committed with the intention of financially supporting the category of terrorism, so the statistical examples mentioned in Article 1 of the amendment to that law are non-exclusive. According to the findings of the present study, this crime is an absolute crime and also, unlike many crimes, requires a special motive in the perpetrator. In the Iranian penal system and at the international level, there are several mechanisms to prevent and combat this crime. At the domestic level, the Anti-Money Laundering and Anti-Terrorist Financing Laws, along with their by-laws, provide mechanisms for executives and trustees, which are more concerned with preventing and overseeing monetary and banking structures. At the international level, several documents such as the Convention for the Suppression of the Financing of Terrorism, adopted in 1999 and UN Security Council Resolution 1994, and the forty-nine recommendations of the Financial Action Task Force, are the most important documents in this area, which are mostly based on requirements. International and provide practical advice. In the present analysis, as necessary, we have analyzed the various dimensions of this crime and the effectiveness of ways to combat it in domestic law and international documents.

In the present study, we will deal with the various dimensions of this crime and the existing methods of preventing and combating it.

Today, terrorism and the ways to deal with it are among the main issues and challenges of the international community. No region of the world has not tasted the bitter taste of terrorist incidents or has been spared its economic, cultural, military, and inhumane consequences. One of the most important reasons for the growth and increase in the activities of terrorist groups is their financing. Terrorist groups need to continue financing to survive, and in this regard, they resort to various ways, so to fight the financing of terrorism to block and eradicate the food and financial resources of terrorists, or at least Restricting them is one of the most important and necessary ways to combat the phenomenon of terrorism. Hence, at the international level, after the terrorist incidents of September 11, 2001, the title of terrorist financing and methods of combating it, along with other models of countering terrorism, such as political, military, and legal models as the main tool for preventing international terrorism. It was on the agenda of the international community. Influenced by the incident and its international dimension, the UN Security Council adopted Resolution 1994 on September 28, 2001, in which the fight against the financing of terrorism is considered the most important tool in the fight against terrorism and calls on member states to accede. It was ratified by the International Convention for the Suppression of the Financing of Terrorism in 1999. With the accession of 80 countries, the convention entered into force in 2002.

In 2003, for the first time in Iran, a bill called the fight against terrorism was prepared and many expert discussions were held about it, but unfortunately for reasons such as the fact that despite the criminalization of terrorist crimes such as corruption on earth, a new criminalization, Needless to say, the bill remained unapproved. Several years later, in the early

1990s, Iran, under the influence of special circumstances and the sense of the necessity of the UN sanctions against the Islamic Republic of Iran and the announcement of the emergence of emerging terrorists such as ISIS and Jabhat al-Nusra in the region, finally on 11/13. In 2015, passed a law in this field under the title of Anti-Terrorism Financing Law, which was amended two and a half years after its approval on 31/4/2018 with the approval of the Anti-Terrorism Financing Law. Was reviewed.

The Iranian legislature has used the Convention for the Suppression of the Financing of Terrorism in defining the financing of terrorism and enumerating its cases and what is known as terrorist acts. Under the Counter-Terrorism Financing Act, the crime of terrorist financing includes a wide range of acts and behaviors, such as providing or collecting funds or property in any way, whether or not it has a legal origin, or consuming all or part of the financial resources obtained, such as smuggling. Currency, attracting financial and monetary aid, etc., directly or indirectly opening an account or providing credit or carrying out any economic activity of individuals by themselves or another to carry out terrorist acts mentioned in the law or to present to terrorist individuals or terrorist organizations include. Examples of terrorist behaviors are numerous and extensive, which requires more research and attention to explain and understand this two wide range of examples of terrorist financing and terrorist behaviors.

### **Conceptology**

#### **Assassination**

The word terror comes from the Latin root "fear" meaning to frighten, fear, and panic (Tayeb, 2003: 19). Terrorism means panic in French. And in politics, violent and illegal acts of governments are used to suppress and intimidate their opponents. Also, the actions of militant groups that use violent and intimidating acts to achieve their political goals are called assassinations. Assassination is also used to mean political killing (Ashouri, 1994: 99-98). Dehkhoda's dictionary also defines assassination as follows: "Assassination from France, meaning political assassination with a weapon, has become common in Persian. The government of terror has come and is the principle of the revolutionary government that was established in France after the fall of the Girondins (from May 31, 1793, to 1794 AD) and included many political executions (Dehkhoda, 1964: 636). The Jacobins, who came to power after the Girondins, initially used the term assassination with a positive connotation of themselves, but later the word became derogatory, referring to a criminal act. The reign of the Jacobins is called the period of terror. The term assassination is defined in the social science culture from Alan Biro's point of view: "Assassination means a state or feeling of collective fear caused by indiscriminate violence and killing" (Alan Biro, 1996: 426). Terror is called a state of terror. Extraordinary

refers to the act of violence, murder, and bloodshed by a group, party, or government to achieve political goals and gain or maintain power (Agha Bakhshi, 2000: 583). After examining the above definitions, it seems that assassination means both "state of fear" and "attempted murder and bloodshed." An action that results from the creation of fear and panic by the perpetrator, which may be an individual, group, party, or government, and its ultimate goal is political motives. In a general sense, then, the following definition of terror can be obtained: "Terror means the action of individuals, groups, parties or governments in creating fear and terror and murder and bloodshed to achieve political goals and ambitions".

#### **Terrorism**

Terrorism is a phenomenon that is talked about a lot today, but it is still limited to the slightest knowledge of it. Its current manifestations have been discussed in books, monographs, essays, plays, stories, and films, but less attention has been paid to the history of its evolution and metamorphosis. But it is clear that without knowledge of the historical evolution of this phenomenon, it is not possible to achieve a proper understanding of the way to cure this unfortunate social complication. The words "terrorism" and "terrorist" are relatively new. In the supplement to the Dictionary of the French Academy of Sciences, terrorism is defined as "the system or regime of terror." In a general definition, terrorism is "any violence perpetrated by a government or an organized group to realize its political or military propaganda motives for the rights of the innocent and at the expense of the other side." Terrorism is, first of all, a kind of negative thinking and behavior of patients with disordered behavior. The return of this disease to short-sightedness and low intelligence, which in turn indicates the weakness in the talents of the intellect and inner behaviors that the collection of these talents and inner behaviors and the intellect is responsible for problems and crises (Bahij Mullah, 2011: 215). Dehkhoda dictionary means the rule of terror and pressure.

The principle of government was established in France from 1793 to 1794 (the rule of the Jacobins). In Persian, this word refers to the principle in which political assassinations and assassinations are defended (Dehkhoda, 1964: 636). According to some, terrorism is the method of governments that suppress and intimidate the opposition through arrests, torture, executions, and all kinds of illegal harassment through the secret political police (Ashouri, 1994: 99-98). In another definition, terrorism means the need to kill, threaten, intimidate and intimidate the people to achieve political goals or overthrow the government and take over the affairs of the government or delegate it to another group (Ali Babaei and Aghaei, 1986: 178) In this definition, terrorism is not formed by the government and the government but is applied by the opposition against the established government. Terrorism also

refers to the interference of one government or government in the internal and external affairs of another government to intimidate them by participating in terrorist operations or supporting military operations to weaken, degrade and overthrow the government (ibid.). As it is obvious, in this definition, the title of terrorism includes war and military operations of one country against another. Terrorism in some definitions means being individual, governmental, and trans-governmental. Individual terrorism, for example, is an organization that directly commits this terrorist act, regardless of the laws of the countries in which it is based, and state-type terrorism is when a country violates international law and engages in terrorist activities. Other countries pay (Hatami, 2011: 31-30). Trans-state terrorism also refers to actions in which trans-state groups and so-called self-governing organizations carry out their political motives for the lives of individuals. This type of terrorism is referred to as international terrorism. The Encyclopaedia Britannica defines terrorism as "the systematic and systematic use of intimidation or unpredictable violence against governments, human beings and individuals to achieve a political goal" (Kaviani and Kochnejad, 2017: 51). Convention of Islamic Countries The definition of terrorism is as follows: "Assassination, threatening the lives of innocent people and other threats, intimidation, kidnapping, hostage-taking, violent behavior, armed action against civilians and innocent people, violation of The lives, property, and dignity of diplomats, creating insecurity and disturbing public order, security and well-being, financial assistance to terrorists, destruction or threatening to destroy personal and public property and the environment" (Hatami, 2015: 6). The United Nations also raised the issue of terrorism in 1970, but their initial discussions and efforts failed to provide a single definition. In 1972, the General Assembly established the Interim Committee on Terrorism. Despite differing approaches to the subject, some Western thinkers provided definitions that were generally incomplete definitions of this complex nature. Later in the Declaration on Counter-Terrorism, the United Nations provided a common ground for all fixed perceptions and definitions, defining terrorism as follows: "It is politically motivated and unjustifiable under any circumstances." In this regard, several conventions were established in the field of combating various aspects of terrorism (ibid.).

The Anti-Terrorism Financing Law adopted in 1394 and its amendment, which is considered the first special legal regulation on terrorism and its financing, does not provide a definition of terrorism and terrorism, and only in Article 1 of its amendment in four paragraphs examples of actions and behaviors Which may be considered as terrorists and note the four articles mentioned, determine the examples of acts, individuals, groups, terrorist organizations subject to this law

following the principle of the Constitution of the Islamic Republic of Iran and emphasizing the rights of individuals, nations, groups or Liberation organizations are tasked by the Supreme National Security Council to counter foreign domination and occupation and colonialism and racism.

However, the purpose of providing various definitions of the word terrorism and elaborating the discussion was to make it clear to the reader that "terrorism" is one of the ambiguous words in the international arena, which due to the complexity of its concept and examples with a kind of crisis of meaning in definition and We are facing the delimitation of its territory. The definitions of terrorism and its dimensions are derived from discourse and propaganda structures rather than objectivity and acceptance of the value-reality duality (Soleimani, 2006: 181). That is why it is difficult to provide an accurate and comprehensive definition of terrorism. This nascent term has not yet been able to achieve a single meaning and order due to the different perceptions that any state or thought can have of this category due to its lack of reliance on reality. In addition, he sometimes resorted to suppressing independence and denying dependence and deprivation of popular uprisings against the dictatorship of dependent regimes, and sometimes as a means and pretext for intimidating and aggressing the hegemon and superpowers to advance their aggressive goals and policies. Work has been done. Terrorism is divided into different types according to the diversity of its types and types in the course of historical development and due to differences in its methods and factors and their goals and motives. Along with different types of terrorism classification, there are recognizable types of terrorism, each of which is based on a different basis and criteria. The divisions of the types of terrorism are quite different, but sometimes they overlap so much that one type of terrorism falls into both divisions.

Today, terrorism has become much more widespread and diverse. In the present age, assassinations are not in their traditional form, and the removal of a political rival from the throne of power and sovereignty. The dimensions of terrorism have affected the international community. Today we are talking about chemical, cyber, economic, microbial, nuclear, religious, and neo-terrorism. Terrorist groups and organizations, better equipped with new methods of suicide operations, bombings and assassinations, loot and violate the honor of the people, destroy historical and religious sites, and hundreds of others. They commit the type of terrorist behavior. Motives for committing these behaviors also vary. In religious terrorism, it is the motivator of one's religion and esoteric beliefs; in individual terrorism, the feeling of oppression and injustice perpetrated by the ruler leads one to eliminate a political rival; in nacre, terrorism is violence to put pressure on the government and institution. It is secured by drug traffickers

in order not to control their criminal behavior, such as drug trafficking. It seems that the differences in these motives and the wide range of terrorist behaviors have created different forms of terrorism, and this prevents the unity of thought in a precise, unified, and comprehensive definition and prevents the universally accepted title of terrorism. Terrorism is historically divided into three types of terrorism: traditional terrorism, modern terrorism, and postmodern terrorism. The following discourse addresses these three issues, and in the following discourses, other divisions of terrorism will be examined.

### **Types of terrorism in terms of the historical process**

#### **Traditional terrorism**

It may be claimed that the first assassination was carried out by the first child of Adam to continue this bloody line from eternity to eternity. The attachment. But concerning terrorism and terrorism, which, like its current meaning, has a public aspect and disrupts the public security of society, it must be said that these two concepts were born of power and power-seekers of history. The concept of political terror coincides with the formation of the government, the formation of sovereignty in past social systems and the consolidation of political power in the governing body of society, and with the feeling of the need to remove those in power from the throne by political rivals, physical elimination is considered the best option. In such a competition, ordinary people did not intervene and were considered a neutral element, and did not engage in political power struggles or play a role in traditional terrorism. In fact, in the traditional age of human life, terrorists carried out physical destruction for a set of purposes to reflect the protest and to show that there is a resistance force, which means that the aim of terrorists is mainly to physically eliminate those in power who seem to be agents. Assassination has become the illegitimate heir to power. An important feature of traditional terrorism is that terrorist attacks are not very widespread and, contrary to what we see in modern terrorism, it is not felt at the community level and among the general public and has been used more in the field of political power (Koushki, 2013). Terrorism in its traditional form has replaced the political struggles in which most politicians were involved, and sometimes non-political people in society could be involved in an assassination operation, but ultimately terrorism in its traditional form was related to the powerful and political power. In traditional terrorism, the event of an assassination did not have much scope and scope, and mainly focused on the change of a ruler of political power and did not go beyond it and had no effect in other parts of the world. Political assassination, which is the main feature of traditional assassination, has been rare and unconventional in past societies, while it has increased in contemporary societies.

#### **Modern terrorism**

Transformation in political systems in such a way that power is no longer exercised in an authoritarian way but in a democratic way and by involving the people, created the atmosphere for the formation of nations. In such political systems, the people are one of the actors in the arena. They became political power (Huntington, 2002: 124). Due to this change, the transfer of power was no longer as easy as before, and with the elimination of a political rival by another rival, political actors had to pay attention to the role of the people as an important political variable in the political process of transferring power. The presence of the people in the field of political power inevitably involved them in the issue of terrorism and led to a form of terrorism that was called modern terrorism due to having some characteristics of modernity. Modern terrorism has taken place in a historical cycle and according to the events formed in the modern world. Systematic terrorism originated in the second half of the nineteenth century and took on completely different forms from the very beginning. But in the historical perspective, the various forms of terrorism, regardless of their differences in goals and political context, had a common origin, all of which were associated with the rise of democracy and nationalism. All grievances and grievances pre-existed, minorities were suppressed but deprived of independence, and the authoritarian rule was the rule. However, with the spread of intellectual ideas and the significant strengthening of the attraction of nationalism, the conditions that had been accepted for centuries became unbearable (Tayeb, 2001: 57). Rappaport, considering the changes in the history of terrorist groups, counts four waves of modern terrorism from the beginning of its formation: 1- The beginning of the nineteenth century and by non-governmental actors who mostly had anti-monarchist ideas 2- The second wave of terrorism following the anti-monarchist currents There was colonialism and empire in the world. 3- The third wave occurred in the conditions of competition during the Cold War. 4- The fourth wave of terrorism started in 1979 and is intensifying.

Modern terrorism began with the actions of Maxim Millen Robespierre, Saint-Just, and other Jacobins beyond the French Revolution, which lasted from about March 1793 to July 1794. The Robespierre government abused power to organize assassinations nationwide by revolutionaries. Became an oppressive state and legalized murder and assassination (Parry, 1976: 39). Robespierre initially used the idea of terrorism as a useful means of achieving government goals, systematically using terror to suppress dissent, and all measures such as imprisonment, torture, execution, and deportation as a solution to the problem. With internal chaos, he considered foreign aggression permissible because of the revolution he considered any means to achieve the goal, so Robespierre and other Jacobins used the calculated use of social violence to respect

justice and get rid of it. Some of the factional enemies supported terrorism in this period had a positive social meaning, but due to the excessive use of guillotines and the reflection of these crimes, the word terrorism became a derogatory meaning and led to its condemnation (Hakimiha, 2011).

Rappaport's classification sees the Soviet invasion of Afghanistan and the rise of Islamist jihadists as a wave that continues to plague large parts of the world. The Soviet military invasion of Afghanistan and US and Western governments supporting Taliban and al-Qaeda's forces are part of the paradox of globalization

#### **Chemical terrorism**

Chemical terrorism means the use of chemicals to harm the body and mind of humans. The hallmark of this type of unconventional terrorism is the use of chemicals. Can be used by terrorists. Sarin gas attack on a Tokyo subway station by the Japanese cult of Aum Shiziko in 1995. The attack on a mail package containing anthrax in Washington in 2001 is one of the cases of chemical terrorist attacks. However, the history of the use of chemicals is not extensive. In 2014, ISIL takfiri forces used the chemical gases chlorine, phosphorus, and mustard against Iraqi government forces and Kurdish pioneers.

#### **Bioterrorism (microbial terrorism)**

Bioterrorism is any horrible and harmful act that is done by releasing or deliberately releasing highly pathogenic biological agents, including a variety of microorganisms or biological toxins (Zare Bidaki and Balali Maud, 2015: 183).

Simple production of biological materials that do not require complex and high knowledge, along with the ease of use of these pathogens and also the strong effect of this method to create fear and panic, are the advantages of this method for terrorists and easy methods of using biological agents. Dissemination in the air and drinking water, as well as used in food, also encourage terrorists to use this terrorist method. Biological attacks in the aftermath of 9/11, which sent anthrax-infected letters to government offices in the United States and several other countries, are examples of bioterrorism.

#### **Nuclear terrorism**

Nuclear terrorism is the use or threat of the use or threat of nuclear material or explosives by individuals or groups outside the control of a state to intimidate or carry out terrorist acts or threats against nuclear facilities.

The term nuclear terrorism is now a privilege for terrorists and a terror for the people. Nuclear terrorism in its narrow sense, that is, the use of radioactive materials or nuclear bombs to kill and destroy for intimidation, has no precedent, and nuclear terrorism before it appears in the real world in scientific forums and authorities International has been raised and spoken

(Alipour, 2006: 586) The ominous incident of the explosion of nuclear bombs by the United States in Japan in August 1945 is a clear example of nuclear terrorism.

#### **Virtual terrorism**

Virtual terrorism or cyber-terrorism is a new terrorist tactic whose nature is based on the same principles on which all types of terrorism are based. Cyber-terrorism is a type of terrorism in which there is a computer component. In general, from a theoretical point of view. Cyber-terrorism is any act of terrorism in which the information systems or digital technology of "computers or computer networks" is used, either as a tool of attack or as a target of the attack to pursue political goals. However, the core of cyber-terrorism as a political phenomenon is the fusion of terrorist acts with computers. In practice, virtual terrorism is the use of the Internet and computer networks and the facilities that these networks create to destroy them. The infrastructural structures of society such as energy, transportation, government activities and influencing a government, citizens, groups, and so on. Virtual terrorism should lead to violence against people and property or at least cause harm and fear (Bakhtiari and Frati, 2010: 124).

#### **Suicidal terrorism**

Suicide terrorism represents a type of terrorism based on the form and method of carrying out terrorist operations. Suicide terrorism means the voluntary sacrifice of a person to carry out a terrorist attack using equipment and explosives or otherwise in a way that leads to the death of a suicide bomber. Such a terrorist act is usually carried out by detonating explosives that a person has attached to his body or planted in his car, and is usually accompanied by prior planning and planning. Suicide terrorist attacks have been common since the beginning of the 21st century and have intensified since 2014. Suicide attacks by members of the group ISIS in various parts of Iraq and Syria are clear examples of suicide terrorism in recent years.

#### **Economic terrorism**

Economic terrorism, or in other words financial terrorism, is a type of terrorism that aims to destabilize the economy of a society. Terrorists have directly targeted the economy of a society in carrying out economic terrorism. The main component of economic terrorism is the destabilization of a state's economy by a transnational or non-governmental group. What governments do to other countries to strike at the economy is called economic warfare, and it cannot be called terrorism. From this perspective, economic terrorism can be defined as: "Violent acts of transnational actors. "Non-governmental action against a country's economy to destroy its economic or financial stability is called economic terrorism," which can be destabilizing, coordinated, complex, and

widespread actions against a country's economy. If these measures occur, they can have negative effects on the economy, or they can have psychological effects and overshadow the economy. Economic terrorism is a relatively new concept.

### **Postmodern terrorism**

Postmodern terrorism, like modern terrorism, is the result of modernity and globalization. Postmodern terrorism is a period of transition from terrorism it is modern and it is also called modern terrorism. In the postmodern period, terrorist events have become complex due to the complexity of relations and the development of communication and exchange of information, and national borders have lost their effect on terrorist acts. National and transnational organizations and groups have become stronger and instead, the authority of national governments has diminished. In such an atmosphere, the way is open for the movement of private organizations and groups, these groups and organizations can be established and survive without financial and international supervision, and carry out the terrorist acts of their choice in society. Some thinkers see 9/11 as the beginning of a new era of terrorism. In his famous article entitled "Postmodern Terrorism", Walter Lacier mentions the new terrorism called Postmodern Terrorism. According to him, "modern terrorism is not in the framework of modern goals and forms such as power-seeking, utilitarianism or nationalism, but postmodern goals or forms such as religion, identity and modernity are needed to explain and understand it" (liqueur, 1996, p.24 -36)

In postmodern terrorism, terrorism has changed in terms of instances, motives, goals, organizational structure, tools, and geography of terrorism. In traditional terrorism, the method of operation was the physical removal of a political rival from power. Attacks on military targets, hijackings, and hostage-taking are also major methods of modern terrorism. But the predominant technique of terrorist action in postmodern terrorism is suicide operations. Terrorists have also changed in terms of motivation. Terrorist acts are no longer motivated by the removal of a political rival from power or opposition to the ruling colonialism, nationalism, and racism, but in modern terrorism, religion is seen as a legitimizing factor for terrorists. They shake hands with human beings and justify it with their religious beliefs. Religious terrorism is a type of terrorism that seeks to use violence to achieve the sublime religious goals that, according to its members, are set by God and the reward of which is heavenly. The source of religious terrorism is also faith and belief. Another change in modern terrorism is the change in the victims of terrorism. In the former terrorism, the goals of assassination were few and mostly political. The terrorist agent could not carry out mass killings for fear of losing his allies. He chose symbolic goals and removed them from the sphere of political, military, and even financial power.

But in modern terrorism, the victims are mostly innocent citizens who are either randomly selected or who have been in terrorist situations by chance (Manin, 2008: 163). But in modern terrorism, the target is randomly selected or accidentally exposed to suicide operations. In modern terrorism, the creation of a media atmosphere and the widespread dissemination of news about terrorist operations are considered to be fundamental political goals. "The news of a terrorist operation raises the group's international standing, and the terror of that group grows." Today, terrorists can take responsibility for the crash of a plane that crashed due to a technical defect. And propagate it through the media and threaten the other side to create similar incidents to get their demands from the other side "(Farihi and Zahiri, 2008: 153).

The structure of formal organizations is pyramidal; this means that its members are at the base of the pyramid and the management group or leader is at the top of the pyramid. This form of organizational structure is seen in political, social, religious, and military groups. It replaces the pyramidal structure, cellular, or network system. In this type of organizational structure, there is no central control over members or cells and all cells operate independently and do not report to the headquarters. This type of structure is also called "leadership without leadership", which exists in modern terrorist groups. Such a structure allows all the individual groups that make up an organization to operate alone. The history of such a structure dates back to the American Revolution when it was used by militant groups. Therefore, this common ideology itself becomes an organizer that each member can give orders in a place or organization and be the executor of actions (Rezaei and Hekmati, 2016: 58). Thus, terrorism has undergone major structural changes in the postmodern period. Neo-terrorists are also using new tools. These new tools are either used directly to assassinate and create insecurity (such as the use of bullets and chemical weapons) or to exploit a terrorist act to intimidate or achieve secondary goals, such as interest. ISIL neo-terrorists removed from the Internet to publish positions and images of actions (ibid, 58).

New terrorism is not limited to a specific region in terms of functional geography and can cover all parts of the world. Terrorists in the present age are not limited to a specific point due to the existence of different centers of power in the world, and we may witness the occurrence of terrorist operations anywhere in the world.

The major developments in postmodern terrorism can be summarized as follows: the spread of technology, the explosion of population in developing countries, especially the Middle East, the widening gap between industrialized and underdeveloped countries, environmental crises, the collapse of the bipolar system, and the asymmetry of the battlefield.

More importantly, in postmodern terrorism, we are faced with the phenomenon of occupying or seizing a part of a country that is not seen in other examples of terrorism (Al-Ghafoor and Sadeghian, 2015: 161)

The main parameters of postmodern terrorism It is also as follows: a) committing suicide operations; B) selection of uncertain goals; C) the use of new media technology such as the Internet and virtual networks; D) having a high military capability and fighting with the official and regular armies of the target countries; E) Occupying part of the territory of UN member states such as Nigeria, Syria, Philippines, Iraq; C) High financial capacity and acquisition of wealth through hostage-taking, smuggling of goods, currency and sale of civilian prisoners to other countries; G) The establishment of institutions and organizations that evoke religious indicators and rituals in the minds (ibid., 162).

#### **Types of terrorism based on its agents and actors**

Terrorism is divided into individual, organizational and governmental terrorism in terms of its perpetrators, depending on whether it is committed by an individual or a specific group or organization, or by government agents, each of which is examined separately in the following sections.

#### **Individual terrorism:**

Individual terrorism is a type of terrorism in which an actor is a person and the activity is individual. It does not belong to an organization and its activities do not have a specific organization by a terrorist organization. Individual terrorism is usually perpetrated by the lower classes of society and affected by social oppression and disorder, and it is also called low terrorism and white terrorism. In individual terrorism, a person achieves his goal by eliminating his political rival, or through this action, he undergoes a wide-ranging social and political change. Although this type of terrorism is individual and shows the rebellion of the individual against the ruling system, it can still be the source of great changes in society.

#### **Organizational terrorism:**

Organizational terrorism is a type of terrorism that is perpetrated by a governmental or extra-governmental organized organization or group and their actions are within the framework of their organizational goals. At the national level, a terrorist group or organization eliminates its rivals and opponents to achieve its goals or eliminates those who believe that they will be hindered in achieving their ideals. At the transnational level, such terrorist groups and organizations, based on the goals and motives of the organization, try to eliminate the ruling power of the legitimate or illegitimate government of the country and announce the existence and

formation of a new government based on their religious and political-ideological imagery. Transnational terrorist organizations are directly involved in conflicts and wars with the military and armies of countries and may carry out terrorist operations in several countries at the same time and engage in military conflicts with several countries. The fundamental difference between organizational terrorism and individual terrorism is in organizational motivation and organization. Organizational terrorism has extensive equipment and facilities and has direct and indirect connections with governments and other terrorist organizations and has financial and logistical resources, and mainly follows a certain rule and order, while individual terrorism lacks the characteristics It is mentioned.

#### **State terrorism:**

The term state terrorism is a relatively new and controversial term. State terrorism is a term used to describe the interference of a state or states in the internal or external affairs of another state by carrying out or participating in terrorist operations or comprehensive support for military operations to degrade, weaken or overthrow that state or all governing body in that country. It can be used. The term has recently been used repeatedly by the US government against the Iranian government and its people. From H. Cario's point of view, state terrorism means the use and support of the phenomenon of terrorism by a government or a political system. (H. Cario, 2008: 13)

State terrorism is the result of the state entering the phenomenon of terrorism. In-state terrorism, terrorism is the responsibility of the government, and the government is responsible for organizing it and all its costs and consequences. Of course, there is no common ground on whether state assassination is a form of terrorism. Some argue that the concept of terrorism should be applied only to non-state actors. Because the actions of governments in murder are among other crimes such as crimes against humanity and genocide, crimes against peace, and the like. Others do not believe and believe that state terrorism should be included in other terrorism. (Kushki, 2013: 9)

State terrorism is a planned and politically motivated act of violence by secret government agents against non-combat targets (Dardian, 2003: 91) in two forms: domestic state terrorism (government support for terrorist operations that have a domestic character) And foreign state terrorism (government support for internationally known terrorist operations).

Although it is said that state terrorism is not a new thing, it should be said that first, with the formation of new phenomena in the form of nation-states, state terrorism underwent many changes, including the fact that terrorism in its new form has been activated beyond land borders. It is as if the burning wars

of the past centuries have given way to terrorism. This is an example of terrorism, the modernity of violence perpetrated by governments (Kushki, *ibid.*)

### **Types of terrorism based on goals**

Terrorism is divided into four types of terrorism the headings of narco-terrorism, nationalist terrorism, political terrorism, and religious terrorism, each of which has different characteristics and faces. In the preceding speech, each is discussed separately.

#### **Narco-Terrorism:**

Narco-terrorism is the use of violence by drug traffickers to put pressure on the regime and to exercise taste and change government policies. Drug traffickers and criminals who carry out criminal operations in the field of drugs and in this way face law enforcement and regulatory bodies, especially the police, to escape such monitoring and law enforcement with regular threats and lawlessness resort to violence. And bleed. The term narco-terrorism was first used by Peruvian anti-narcotics police in 1983 to describe terrorist attacks against the country. Pablo Escobar (1949-93) the famous cocaine trafficker in Colombia is identified as one of the main perpetrators of narco-terrorism in the present era. It is said that during his years of activity in the 80s and 90s, there were very bloody conflicts in the field of drug trafficking, which killed more than 4,000 people.

#### **Political terrorism:**

Political terrorism is a type of terrorism that aims to change the policies of the governing body of society. In a society where there is no hope for peaceful socio-political change, political terrorism will be the only option. In such a society, political activity will always be violent. Violent political activities are usually carried out in authoritarian political systems by small political groups that have no power and want to change governance policies, and usually have an impact over time.

#### **Religious terrorism:**

Today, religion is the main feature of neo-terrorism. Other terrorists do not resort to violence with political and nationalist motives as before, but they see themselves as having a different worldview.

Existences and current developments of life are different from others, and their worldview is the purest, and the beliefs of anyone who is not on the same train with them are false and useless, so they must either be led to the right path or killed.

Religious terrorism is different from other forms of terrorism. Bruce Hoffman believes that the motive for religious terrorism is violence as a divine and religious duty and a justification for the legitimacy of their actions. Is set to achieve. This type of terrorism introduces a wide range of enemies to eradicate all evil. Religious terrorism originates from faith, covenant, and religion (Motalebi et al., 2019: 123).

The wave of violence perpetrated by terrorism and religion is unprecedented, not only because of its scope and purpose but also because of its distinctive and deadly characteristics. All those who engage in religious terrorism believe that their actions are considered sacred by God (Bakhshi, 2008: 204). According to available statistics, about 50% of internationally active terrorists between 1995 and 2013 were religious. The fact is that the motive of these groups is political, and religion is used only as a legitimizing factor to recruit members and justify their terrorist behaviors, and make the most of their members. (For example, a terrorist's suicide operation cannot be justified to him in any other way except by his religious beliefs, which promise him the highest paradise). Accordingly, religious terrorists continue to adhere to their political goals and pursue them in practice.

This has made it difficult to distinguish between religious and political terrorism and the realm of religion and politics in religious terrorist groups. Al-Qaeda in Pakistan, the Taliban in Afghanistan, and ISIS in Iraq and Syria are among the religious terrorist groups.

### **Nationalist terrorism**

Nationalist terrorism is a type of terrorism that is motivated by nationalism. In this type of violence, terrorists and gunmen either seek an independent government and end the occupation of the country or seek to end colonization and gain independence for their country. Nationalist terrorists are looking for some form of autonomy that will be achieved by establishing an autonomous region with a separatist government.

Regarding the nature of nationalist terrorism, there is a theory that violence against counter-occupation and colonialism to liberate the country's territory is not considered terrorism and is considered a legitimate defense of the homeland. Nationalist terrorists are often opposed to military occupation, the power of imperialism, or illegitimate powers. This type of terrorism is associated with national, ethnic, religious, or culturally identical groups like themselves, and there is a common sense that they have been oppressed and that their rights have been violated.

### **Terrorist financing**

The term "terrorist financing" was often coined after the events of September 11, 2001, in the United States. In the meantime, there may be a simple definition of this title: "providing funds to terrorist groups." But this definition raises other questions. What do you mean by funds? Does it only include cash or other assets? Does this title include financial services in addition to the property? Is trading with terrorist groups also a crime? (Shams Natri and Islami, 2015: 260) According to the first paragraph of Article 3 of the Convention for the Suppression of the Financing of Terrorism, adopted in 1999, the term

"financing" is defined as follows: "Presenting or collecting funds by any means, directly or indirectly "It is against the law and intentionally or intentionally or knowingly that it committed terrorist acts in whole or in part".

Article 1, paragraph 1, of the Convention, defines the title of funds as: "My form includes electronic or digital documents or documents that indicate ownership or share in these assets, such as bank credits, traveler's checks, bank checks, remittances, securities stocks, bonds, bonds, letters of credit, etc." It follows from this definition that, firstly, the definition refers only to terrorist acts and does not refer to the prohibition of financial support for terrorists and terrorist organizations. Secondly, according to this definition, a person has criminal responsibility when knowing terrorist acts (same).

Article 1 of the Amendment to the Anti-Terrorism Financing Law defines the financing of terrorism as follows: Currency smuggling, raising financial and monetary aid, donations, transferring money, buying and selling financial and credit securities, opening direct or indirect accounts or providing credit, or carrying out any activity of persons by oneself or another to commit the following acts (terrorist acts) "Or to provide to terrorist individuals or terrorist organizations, terrorist financing ...". Article 1 of the amendment to the law is an enumeration of examples of terrorist financing and does not define the title of terrorist financing. Perhaps this is because, as some professors have argued, "the best way to criminalize the financing of terrorism is to cite examples without giving a detailed definition" (ibid., P. 261). The Iranian legislator also with Following the method of most countries in criminalizing the financing of terrorism as its definition, it is enough to cite examples.

It is a bit difficult to provide a definition that is based on international instruments and is compatible with our legal system, but the following definition can be provided as a model for legislators: "Any transaction with terrorist groups, collect And the direct or indirect presentation of funds, financial assets, and financial services by any means to know that it has been used in whole or in part to carry out terrorist acts or for the benefit of individuals and organizations involved in terrorist acts in any form. , Consumed (same). According to the above definition, any action that plays a role in increasing the assets of terrorists, even if it is in the form of financial services, and the supplier, knowing the use of the property or services provided in terrorist affairs, provides them to individuals or terrorist organizations. It is considered a material crime to finance terrorism.

#### **Conclusion:**

The issue of counter-terrorism and its financing was seriously discussed in the international community after the terrorist attacks of 9/11. Only a few days after the incident, the UN Security Council adopted Resolution 1994, which is an

unprecedented move that obliges UN member states to accede to the International Convention for the Suppression of the Financing of Terrorism, which took place three years before the incident. It was approved by the UN General Assembly in 1999. Following this international obligation, several countries acceded to the Convention.

Due to Iran's non-accession to the above convention and the controversy created in the international community about Iran's support for the phenomenon of terrorism, which is due to the lack of international agreement on the meaning of the word terrorism, and the political treatment of this phenomenon in international forums. The country was subjected to extensive sanctions, especially in the monetary and banking spheres by international institutions.

As a result of these international requirements, the Iranian legislature inevitably passed the Anti-Terrorist Financing Law in 1994. The Iranian legislature first enumerated the examples of financing and acts of terrorism and then determined the punishment for the behavior of financing terrorism. In the discussion of crime prevention and counteraction, while criminalizing it and behaviors such as not informing about the occurrence of terrorist financing crimes and not sending suspicious reports on terrorist financing to the Supreme Council for Combating Money Laundering, attempt to provide combative and confrontational solutions in the regulations. Executed it. Later in 2018, to coordinate the fight mechanisms of this crime with money laundering, the Anti-Money Laundering Law was amended and its detailed executive regulations related to the fight against both crimes (terrorist financing and money laundering) were amended. The reason for this was that the issues of terrorist financing and money laundering have always been discussed together in international documents related to this field, and the main reason is the use of methods used in money laundering to send financial resources to The terrorists to hide these operations, and without coordination in these two areas, the desired result cannot be achieved. However, the Anti-Terrorism Financing Law for reasons such as lack of independent criminalization of terrorism and terrorist behavior, lack of accurate punishment for terrorist crimes, lack of definition of terrorism, and lack of attention to organized crime (which is a paradigm shift in the old patterns of financing Created by terrorism), has major drawbacks. Due to the lack of a precise definition of this criminal title and its non-separation from similar topics such as the lack of accurate punishment of terrorist crimes and related to the above law and due to the lack of extensive research in this area due to the novelty of the subject (At least in Iranian criminal law), makes the need for research in this field more apparent.

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