



A Criminological Approach to International Prevention of Terrorism: A Particular Attention to Terrorist Financing in the Iranian Criminal Policy*

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Abstract

In a democratic society, the fight against terrorism is based almost exclusively on crime prevention. If the prevention of terrorism is addressed properly, there will be no need for a military strike because terrorists will not have the opportunity to carry out their goals and activities. One of the most related aspects of terrorism is the financing of its perpetrators and their activities. Accordingly, the present article aims to investigate the prevention of terrorist financing from the perspective of global criminology. Given that crime prevention is a significant component of criminal policy, which is aimed to limit the opportunity for perpetrators by making impossible or difficult the possibility of their criminal activities, the focus of preventive measures is on non-punitive sanctions or methods. However, criminalization of terrorism and its financing could be defined as a preventive measure based on penal mechanism, called 'reactive prevention'. Consequently, an ideal pattern for international prevention of terrorism and terrorist financing is to promote the legislation within the domestic legal systems of all countries in the international community. By recognizing internationally-recognized norms and standards and implementing them in countries' domestic legal systems, it could be expected that terrorism and terrorist financing would be prevented in a more effective manner.

Keywords: Criminal Policy, Money Laundering, Prevention, Terrorism, Terrorist Financing

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1. Introduction

Although terrorism is still seen in its traditional forms, due to the changes and developments in the contemporary world, it has become a global phenomenon; no country is therefore immune from terrorism's effects and consequences in today's world. In the first five years after the 9/11 attacks, the US unilaterally opted for counter-terrorism strategies based on the use of military force, repression, and crime control policy. In addition to the US, in many other countries, the limited counter-terrorism strategy has gradually moved towards a broader approach to combating violent extremism, even though greater emphasis and priority are on prevention and expression. Furthermore, counter-terrorism measures are taken to repress and eradicate the extremists¹. Terrorism is a phenomenon that links to crime and abuse of power because it violates the human rights of those who suffer harm as a result of crime and abuse of power. Crime and abuse of power could be described as the breach of fundamental rights and the denial or prejudice of these rights.

Preventive measures are various types of methods and mechanisms implemented for reducing or barricading crime, some of which are based on measures and mechanisms activated for achieving a specific result for a criminal act (for example, arresting a defendant) (Bjørge, 2013). One of the most significant ways to prevent crime is to identify crime facilitators and then provide solutions to eliminate these facilitators. If facilitators perform a role to carry out creating the problem, the roots of these facilitators must be eradicated to combat crime. The existence of financial

1. See, for example, at global level: The United Nations' Office of Counter Terrorism, n.d.; See also: Tajbakhsh (2010); and at regional level: European Commission (2019)

budgets is one of the most important facilitators in the occurrence of terrorist activities (Corrado, 1981, .p533).

Since the prevention of crime could not be confined to punitive measures focusing on punishments and penalties, the member states of the international community have gradually turned to non-penal prevention measures in response to terrorism (Rayejian Asli, 2021, p. 57). Meanwhile, one of the most important types of non-penal prevention of terrorist activities is a model called opportunity-based or situational prevention. The goal of situational prevention is to increase the risk of committing a crime by taking measures including efforts to reduce the accessibility of crime targets by using technological surveillance through CCTVs or increasing the number of undercover patrolling police officers (Colquhoun, 2004, p. 51). Terrorist activities around the world take many victims each year. Although criminal law has engaged in a strict penal policy based on threatening and intimidating such crimes and criminals, it does not appear sufficient to prevent terrorist crimes. For this purpose, the targets of criminal activities should be identified and protected as much as possible; for example, the use of fences and high walls for important government buildings, which are more likely to represent the target of terrorist operations, can be regarded as effective preventive measures. In this way, the offender could not find an opportunity to commit a crime because the cost of committing a crime would be enhanced by taking situational prevention of crime.

Terrorism is a politically motivated crime. In order to prevent an opportunity for terrorist attack or a situation of terrorism, the rationality of a terrorist decision and the structure of the opportunity, e.g. targets, tools, weapons, and facilitating conditions must be identified and controlled, while protecting vulnerable

targets, therefore eliminating the circumstances in which terrorism could occur. This approach requires the principles of situational prevention in reducing the opportunities of terrorist acts (Shams & Qourchi Baygi, 1388 [2009 A.D.], p. 261). Additionally, alongside effective measures for increasing the applicability of situational prevention, other types of proactive prevention, including individual-oriented and community-oriented prevention must also be addressed. A progressive approach to restrain terrorism and its perpetrators could play a significant role in adopting mechanisms before the occurrence of terrorist threats. One of the most important strategies in controlling and preventing terrorism is financial transparency and restraining activities or other enterprise including terrorist financing, communication and training restrictions, accommodation and surveillance requirements, travel control, and site inspections. Guarantees for the implementation of preventive measures as anti-terrorism policies include, inter alia, enforcement measures, control orders, and detention. Preventing the terrorist attacks and neutralizing threats of terrorists are considered as the goals of precautionary mechanisms (Nemati, Hosseini, & Mahdavi Pour, 1399 [2019 A.D.], pp. 259-260). Such an approach focuses on coercive and punitive measures even before the occurrence of threats of a terrorist, rather than anticipating the harms and potential dangers of terrorist acts. Yet, other forms of preventive measures such as non-punitive and or proactive types are also important strategies to consider.

As argued by Namamian and Najandimanesh (2019), terrorism overall, and terrorist crimes, in particular, whether at national, international or global levels, and by using nuclear weapon (or radioactive and radioactive materials) destroy the infrastructure of countries and pose a significant threat to international security.

Therefore, in order to reduce the level of threats and challenges posed by committing such crimes, and to prevent intimidation caused by horrific destructions caused by terrorist attacks, adopting legislative, executive, and technical measures and policies should be seriously considered within the framework of international and national criminal policies. In the meantime, the most strategic way is to respond to perpetrators of terrorist crimes in the context of criminal policy (Namamian & Najandimanesh, 2019, p. 53, 56).

By taking into account terrorism financing and international requirements, the concept of criminal policy based on criminalizing this enterprise must be addressed. Criminalization is a mechanism to define an act, behavior or activity as criminal which is punishable by the law. Moreover, in response to international requirements to combat the crime of terrorist financing, adopting measures and policies such as the financial actions task force on terrorist financing and extensive measures including precautionary measures to identify suspicious transactions, monitor the physical and electronic transfer of money and establish a financial intelligence unit seem necessary.

Today, progressive approaches to curbing terrorism have a special place in the legal system by adopting legislative and administrative mechanisms which are aimed at the occurrence of terrorist threats. In addition to various measures such as communication and training restrictions, accommodation and surveillance requirements, travel control, and site inspections, the most important predictive strategies in controlling terrorism include ownership restraint, financial transparency and prevention of terrorist financing. These measures and mechanisms demonstrate that preventing the terrorist attacks and neutralizing terrorist threats are considered as the goals of precautionary mechanisms (Nemati

et al., 1399 [2020 A.D.], p. 263). In the meantime, the opportunistic structure of terrorist attacks through the use of situational prevention experiences also plays a crucial role. The five principles of situational prevention based on a criminological approach could be applied in this context; these principles include: increasing effort, increasing risk, reducing benefits, eliminating excuses, and eliminating provocations, which can reduce the chances of terrorism. However, terrorist activities have different types and structures, each of which must be analyzed separately based on the general principles (Shams & Qourchi Baygi, 1388 [2009 A.D.], p. 263).

Based on the above-mentioned arguments, this article firstly explores terrorism and one of its related phenomena (terrorist financing) in the light of a criminological typology of prevention. This typology is based on a binary model, consisting of reactive and proactive prevention measures. In the second part of the article, as the attitude of Iranian policy-makers regarding terrorism and its financing needs to be examined, the domestic criminal policy in preventing the financing of terrorism will be investigated.

2. A Typological Overview and Its Relation to Terrorism

Prevention of crime is a significant key term in criminal sciences, particularly in criminology and criminal justice policy (McLaughlin & Muncie, 2019, p. 197). One of the conventional typological models of crime prevention that could be applicable for terrorism and terrorist financing is a binary typology, based on which prevention is divided into reactive and proactive measures. While reactive prevention is based on penal or punitive instruments and actions in order to respond to a criminal phenomenon,

proactive prevention is defined as mechanisms and measures taken before the occurrence of crime. The most common measures of reactive prevention are criminal sanctions, including punishments, penalties and other responses as penalization, while the proactive model of prevention usually consists of three forms: individual-centered, community-centered, and opportunity-centered prevention, which are applicable based on developmental capacities, socio-cultural conditions, and situational (environmental) factors or variables. Despite the applicability of all these measures and mechanisms to various forms of terrorism and terrorist acts, the proactive model seems preferable because of its focus on setting and conditions of terrorism and terrorist activities.

2. 1. Applicability of Proactive Prevention to Terrorism

Good governance, democracy, the rule of law, and social justice are the four basic pillars that work together in response to terrorism within a proactive model of prevention¹. In societies with governmental institutions, the interests of citizens are protected by empowered politicians who can be held accountable for a fair and independent judiciary. In this context, disputes and grievances of citizens could be addressed in the law at bottom, and the number of people who turn to political violence to express their opposition would significantly be reduced. In a democratic context, representatives of the government can have access to various preventive measures. Talking to fundamentalist and radical individuals and groups before they turn to violence by using negotiations or concessions to resolve conflicts can be seen as a

1. For a discussion about the relationship between good governance, democracy, the rule of law and counterterrorism, see: Okoro, 2014; McKay, 2015, p. 142; and Schmid, 1992, respectively.

preventive political solution. In terms of economic and social measures, there are some suggestions in favor of suppressing the budgets of terrorist groups and preventing a high unemployment rate among young people prone to radicalism (Organization for Security and Co-operation in Europe, 2020, p. 13). To explore the applicability of the proactive model to terrorism, each of its three branches deserves to be considered.

2. 1. 1. Individual-Oriented Proactive Prevention

This form of proactive prevention is also called developmental or early prevention (Tremblay & Craig, 1995, p. 151). It is defined as measures that are used in terms of age-related development periods, especially preschoolers, school-aged children, and adolescents. These measures focus on child rearing and education in family and school by implementing protective programs for children and adolescents in order to reduce or neutralize the effect of risk factors on this vulnerable group.

Therefore, creating a system for monitoring and controlling students' social harms, taking care of their views and attitudes, and promoting moral and cultural values, correcting religious beliefs, solving economic issues, and overall, protecting children and juveniles from risk factors of deviant and criminal behavior are the essential measures of an individual-oriented prevention of terrorism and terrorist acts.

2. 1. 2. Community-Oriented Proactive Prevention

This form of proactive prevention is divided into macro and micro levels. The macro-level is relied on various dimensions of the development, i.e. social, economic, cultural, and political

developments. In the context of criminological literature, community-oriented prevention demonstrates the triple model of prevention, consisting of primary, secondary and tertiary preventions. While primary measures emphasize the general conditions and circumstances of a society (e.g. the political regime, the economic system, the mainstream culture ...), the secondary and tertiary measures focus on risk factors and actual risk for those populations who are prone or engage to deviant and criminal behaviors. Thus, regarding the general and public characteristics of the macro-level, it is sometimes called as social prevention (Grant, 2015).

The micro-level of community-oriented prevention includes the various dimensions of the development at the regional and local levels of a society. It involves programs in the field of entertainment, sport, education, etc. in the neighborhoods, regions or areas that could construct life-style and routine activities of the citizens and residents.

Therefore, community-oriented proactive prevention can serve as an effective strategy to reduce crime through increasing wider social security. In relation to terrorism, it could be applied in a democratic society that recognizes the real value of the various aspects of development. Thus, it requires a democratic political regime that truly believes in the necessity of development in the society based on the principles of human rights, peace and democracy.¹ The history of terrorism in the world reveals that

1. For discussion about a link between democracy and terrorism, see, for example: Shahrouri, 2010. This article finds relationship between democracy and terrorism on the assumption that “more democracy results in less terrorism, because a more democratic country leads to a less disgruntled society that is less apt to take up arms” (Shahrouri, 2010, 41).

terrorism usually rises in societies that lack the components of democracy and development.

2. 1. 3. Opportunity-Oriented Proactive Prevention

Opportunity-oriented Proactive Prevention or situational prevention could be divided into two sub-branches, including environmental and situational prevention.

Environmental prevention is defined as the application of design, architecture and engineering measures for the purpose of crime prevention. It is also called crime prevention through environmental design (Jendli, 1395 [2016 A.D.], p. 15). Situational crime prevention concentrates on the opportunities where crime occurs irrespective of their perpetrators. It emphasizes risk management policies and environmental programs and measures that reduce opportunities for crimes to occur (Clarke, 1997).

Considering the role of opportunities in the occurrence of terrorism, it seems that situational prevention can contribute to reduce terrorist activities and attacks. From a criminological perspective, the applicability of situational crime prevention is regarded as an important approach to crime control and reduction. The principles of opportunity-oriented prevention, as appropriate, appear to be applicable to the prevention of terrorist acts and attacks. One of the reasons for which terrorism has become a major threat in the recent decades is the fact that terrorism is often linked to the opportunities precipitating and facilitating terrorist activities throughout the world. Certain authors argue in recent years, crossing borders has become easier, telecommunications and international travel have become much more affordable, and immediate worldwide attention has been paid to those who intend

and are able to commit such dangerous activities through the 24/7 news channel and the Internet (UNODC, 2012, p. 3).

2. 2. The Applicability of Preventive Measures to the Terrorist Financing with Emphasis on the Convention for the Suppression of the Financing of Terrorism

Terrorists have a substantial need to maintain their position in committing their activities and to maintain the facilities where the activities are carried out. Thus, a significant step in preventing terrorism is depriving terrorists of the material resources, particularly those that play an important role in financing their activities. Terrorists need financing to achieve their goals and motivations. To meet this vital need, they adopt various approaches (Al-Suwaidi, & Nobanee, 2020). One of the most important and necessary ways to fight terrorism is to combat terrorist financing, which marks one of the most important preventive measures (Noor Mohammadi & Khaleghi, 1398 [2019 A.D.], p. 214). Due to the rise of terrorism and the spread of terrorist activities, domestic and international policy-making have been adopted during the recent decades. They include measures and policies to prevent terrorism such as the establishment and application of international instruments and documents within the United Nations and European systems. Indeed, the most important document that demonstrates the stopping of terrorism financing is the Convention for the Suppression of the Financing of Terrorism, which can provide a better understanding of the issue of terrorist financing. Therefore, we will further explain the criminal framework outlined in the Convention. This convention was drafted in 1991, and sets out examples of terrorist financing and outlines measures to

prevent terrorism. It should be noted that all the financial resources of terrorist groups do not necessarily have a criminal origin, such as fraud or theft or illegal seizures. They may be oriented indirectly against the law and intentionally or unintentionally commit terrorist acts in whole or in part. Some people may willingly help terrorists, some of whom may have legitimate businesses or a legitimate income. However, they may be willing to help the terrorists because they believe in their goals. Therefore, it seems necessary for people who are involved in business and financial interactions to know the participants in the financing of terrorism, as well as the sponsors of terrorism.

2. 2. 1. Criminalization of Terrorist Financing in the Convention on the Suppression of the Financing of Terrorism

Although the International Convention for the Suppression of the Financing of Terrorism has been adopted for promoting police and judicial co-operations to prevent, investigate and punish the financing of such acts, its focal point is the criminalization acts of financing acts of terrorism. The convention defines terrorist financing as a crime committed by any person who by any means, directly or indirectly, illegally, willfully, and knowingly, provides or collects funds with the view that those funds should be used or are to be used, fully or partly, for the purpose of committing an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the intention of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act (UN General Assembly, 1999, Art. 2-1).

As argued by Tofangsaz (2018, pp. 79-80), “the criminalization of terrorist financing should be also regarded as a part of a larger shift in criminal justice from an offender-oriented towards a proceeds-oriented approach, which has been specifically developed in the fight against organized crime that produces large profits for criminals. The main justification for the adoption of this approach is its possible deterrence value”. In other words, eradicating the roots of all economically motivated crimes such as white-collar and organized crimes would undermine the incentive of perpetrators to commit those crimes. In addition, the convention also requires state parties to take a number of measures to prevent terrorist financing. From the perspective of the criminological model of prevention, criminalization is considered as a mechanism of reactive prevention based on a criminal sanction, which is usually in the form of punishment. This requires countries to adopt the necessary measures to establish punishable criminal offences by penalties that take into account the grave nature of the offences (Klein, 2009, p. 3).

Therefore, if countries want to stop the financing of terrorism, they should start by making it a crime to finance terrorist acts, terrorists, or terrorist organizations. For such purposes, the Financial Action Task Force (FATF), as an international standard, has provided recommendations that are regarded as internationally endorsed global standards against money laundering and terrorist financing. These standards increase transparency and enable countries to successfully take the needed actions against illicit use of their financial system (FATF Guidance, 2016).

Consequently, to recognize the legal aspects of countering terrorist financing and promoting international standards, particularly those listed in the International Convention for the

Suppression of the Financing of Terrorism, all countries should review their domestic legislation to ensure proper criminalization of offences related to the financing of terrorism.

2. 3. Governments' Task in Countering Terrorist Financing

For an effective application of preventive measures against the financing of terrorism, governments are obliged by legal rules and provisions, especially those that are recognized as international standards, to counter this form of criminal phenomenon. Accordingly, the international norms and instruments call on governments to criminalize the financing of terrorism.

The importance of international cooperation in adopting the consonant methods to deal with the criminal financing of terrorism is linked to the fact that terrorists usually use new methods of financing. This requires that governments respect the international cooperation, which can empower them to become familiar with the new ways of financing terrorism, and to neutralize and/or control them (Carroll & Windle, 2018, p. 320).

3. The Iranian Legislative Criminal Policy in Preventing the Financing of Terrorism

According to a report of the United Nations Office on Drugs and Crime (UNODC), for the purpose of prevention of the proceeds of organized crimes, this office has assisted Iran in strengthening the fight with money laundering and the response of financing of terrorism. In this regard, a number of efforts have been made in the domestic legal system of Iran. Adopting an Anti-Money Laundering (AML) legislation in 2008 is an example. Moreover,

ratifying the bylaws in 2009, which made it possible for Iran to implement its AML legislation as well as the set-up of the High Council on Anti-Money Laundering, the Executive Secretariat and the Iranian Financial Intelligence Unit are other important examples of Iranian policy-makers (UNODC, 2022). From a criminological view-point, Iran's 2008 and 2010 legislations criminalize money laundering, establish a ministerial coordination council and Financial Intelligence Unit (FIU), and institute preventive measures for financial institutions and certain nonfinancial businesses and professions. In more recent years, Iran also adopted a CFT¹'s legislation in 2016. All of these efforts demonstrate that Iran has made progress in reforming its policies on combating money laundering and the financing of terrorism, and has taken important steps to improve its connections to the international banking and trade system (Lerner, 2018).

According to international instruments, particularly the UNSCR Resolution 1373 of the International Convention for the Suppression of the Financing of Terrorism, adopted in 1999, and the recommendations of the Financial Action Task Force (FATF), which refer to preventive measures to identify suspicious transactions and monitor the physical transfer of funds, the conformity of Iranian domestic legislation with these international concrete norms and standards seems necessary. In respect of Resolution 1373, Iran must consider its implementation as a national responsibility notwithstanding its reluctance to ratify this international convention (Malakoutikhah, 2020, p. 231). However, Iran has passed the Combating Financing of Terrorism Act in 2016, amended in 2018, which criminalizes terrorist financing as a stand-alone offence.

1. Combating the Financing of Terrorism

Since criminalization as a significant form of reactive model of prevention could not be regarded as a sufficient measure to counter the financing of terrorism, the applicability of proactive model of prevention in the Iranian criminal policy system deserves to be considered. Among the types of proactive models, the situational prevention appears to be applicable in this domestic system. The manifestations of the opportunity-oriented model prevention are as follows:

3. 1. Adequate Identification of Customers

Banks and financial institutions are among the most important instruments for terrorist financing. If they have complete information about their customers, the process of terrorist financing will considerably decrease, and even stop. In this regard, Article 13-a of the Combating Financing of Terrorism Act 2016, which could be an example of situational preventive measures, emphasizes complete and continuous implementation of the necessary measures for identifying customers with regards to their business relationships, and conduct careful reviews of transactions made during the period of employment in order to ensure that these transactions are performed under to surveillance of institutions and the information they have about the customer, his/her business, and risk status, and the source of funds (Zare Qajari & Ghaem Maghami, 1392 [2013 A.D.], p. 98).

3. 2. Record Keeping

Art. 13-b of the Combating Financing of Terrorism Act 2016, as another manifestation of a situational preventive model, stipulates

the maintenance of documents related to records of transactions and financial operations, both active and inactive, as well as documents related to client identification for at least five years after the end of the operation. Furthermore, Art. 12 of the executive bylaw of the Combating Financing of Terrorism Act 2016 states that the involved persons must keep all the required records related to transactions and financial operations, whether domestic or international, for at least five years and must obtain and submit any requested information to competent authorities upon request. Moreover, according to Art. 7-d of the Anti-Money Laundering Act 2008 (with its amendment in 2019), the act obliged the persons, institutions, and agencies covered by this provision to keep records according to the type of activity and organizational structure. Art. 33 of Chapter Six of the executive bylaw of the Anti-Money Laundering Act (under the title of Keeping Records and Information) also states that all persons involved are required to keep documents related to the records of transactions and financial operations and identification documents of the client for five years. Financial institutions should also be required to deal with foreign persons with political risks, both customer and beneficial owner, in addition to the usual adequate customer identification measures, and for this purpose, appropriate risk management systems must be used (Arjmandnejad, 2005, p. 45). Article 2 of this executive bylaw of the Law on Combating the Financing of Terrorism is also written in this regard.

3. 3. Banking Brokerage

According to Art. 18 of the executive by-law of the Anti-Terrorism Financing Act as another situational preventive measure, credit

institutions must take all necessary measures to establish banking brokerage relations with the requesting financial institutions to prevent the financing of terrorism. Financial institutions should be required to take the actions specified in this act in foreign banking brokerage relations and other similar relations in addition to the usual measures of identifying customers.

3. 4. Money Transfer Services and Cash Transaction Report

Countries should take steps to ensure that money transfer or value-based services use and represent their agents in anti-money laundering and anti-terrorist financing programs and exclude them from monitoring the observance of these programs (Masoudi, 1387 [2008 A.D.], p. 213). This issue has been contained in the above-mentioned by-law documenting the flow of funds in Iran, and Art. 1-1 of the by-law has made the provision of banking services conditional on the authentication of customers.

Art.7 of this by-law obliges the Central Bank of the Islamic Republic of Iran to document the flow of funds to ensure the security of public property for public authorities. Moreover, Art. 28 of the executive by-law of the Anti-Terrorism Financing Act also refers to the Financial Intelligence Unit regarding the reporting of suspicious financial transactions and operations

3. 5. Establishment of a Financial Information Unit

Finally, Articles 22 to 25 of the executive by-law of the Anti-Terrorism Financing Act are assigned to the financial intelligence unit. The most important tasks of this unit, which could be defined as situational preventive measures, are as follows: collecting

financial information in suspicious cases, providing classified information if needed, providing the information required by judicial and security authorities, following up and sending reports to judicial and security authorities (Safdari, 1394 [2015 A.D.], p. 21).

4. Conclusion

The main goal of preventive measures against terrorism is to control terrorism and reduce the possibility of its related crimes occurrence, as well as its harmful consequences. For the purpose, the main approach to counter-terrorism is to prevent this phenomenon and its related crimes, especially criminal terrorist financing, in a comprehensive sense. The present article demonstrated that fruitful results could be achieved through the implementation of preventive measures against terrorism and terrorist financing, as well the adoption of active measures to detect and neutralize terrorist activities. It is important to note that the use of preventive measures in combating terrorism may sometimes face challenges. As a typical example, in the early years following September 11 attacks, the United States established different organizations with a billion dollars budget in order to prevent and fight terrorism. Moreover, over fifty committees and sub-committees were assigned to prevent terrorism. Despite these efforts, such measures under the title of 'prevention of terrorism' have been seriously censured by critics based on the argument that they have only been remotely related to the existing problem (Smith, n.d.; The United Nations, 2008, p. 72).

At the global level, concrete norms and standards contained in the International Convention for the Suppression of the Financing

of Terrorism and other international instruments have been established to prevent and combat terrorism, especially the financing of terrorism, followed by the establishment of a uniform, integrated and effective method of countering the financing of terrorism. Ultimately, the effects of such a method can be the fight against the financing of terrorism and its related crimes, e.g. money laundering. The present paper found that in addition to criminalization, as a mechanism of the reactive model of prevention, other measures in the form of the proactive model of prevention, particularly opportunity-oriented or situational prevention can play a vital role in combating and precluding terrorism and terrorist financing. The point is of course that legal measures such as the ratification and acceptance of international instruments, especially the International Convention for the Suppression of the Financing of Terrorism, and international cooperation, specifically in the field of criminal prosecution have a positive and practical impact in achieving the goals of prevention model for terrorism and its criminal financing.

With respect to Iran, it seems that the domestic criminal policy against terrorism and terrorist financing has been based on a security-oriented approach, rather than a democratic-oriented attitude. Regarding the preventive measures adopted at the Iranian criminal policy, there seem to be updated and improved information and procedures according to the globally concrete norms and standards, particularly those which are contained in the International Convention for the Suppression of the Financing of Terrorism, and FATF guidance and recommendations.

References

- Al-Suwaidi, N.A., & Nobanee, H. (2020). Anti-money Laundering and Anti-terrorism Financing: A Survey of the Existing Literature and a Future Research Agenda. *Journal of Money Laundering Control*, 24(2), 396-426. <https://doi.org/10.1108/JMLC-03-2020-0029>
- Arjmandnejad, A. (2005). *Adequate Customer Identification by Banks*, Ball Banking Supervision Committee, Banking and Credit Study Group, Banking Office of Central Bank of the Islamic Republic of Iran. Retrieved from <https://www.cbi.ir/page/8133.aspx>
- Bjørge, T. (2016). Counter-terrorism as Crime Prevention: A Holistic Approach. *Behavioral Sciences of Terrorism and Political Aggression Journal*, 8(1), 25-44. DOI:10.1080/19434472.2015.1108352
- Carroll, P., & Windle, J. (2018). Cyber as an Enabler of Terrorism Financing, Now and in the Future. *Journal of Policing, Intelligence, and Counter-Terrorism*, 13(3), 285-300. DOI:10.1080/18335330.2018.1506149
- Clarke, R. V. G. (1997). *Situational Crime Prevention: Successful Case Studies*. USA: Lynne Rienner Publishers.
- Colquhoun, I. (2004). *Design Out Crime: Creating Safe and Sustainable Communities* (1st ed.) London and New York: Architectural Press. DOI: 10.1057/palgrave.cpcs.8140201
- Corrado, R. R. (1981). A Critique of the Mental Disorder Perspective of Political Terrorism. *International Journal of Law and Psychiatry*, 4(3-4), 293-309. [https://doi.org/10.1016/0160-2527\(81\)90003-0](https://doi.org/10.1016/0160-2527(81)90003-0)
- European Commission. (2019). Working with DG Echo Sanctions 2021 – 2027. Retrieved from <https://www.dgecho-partners-helpdesk.eu/sanctions/eu-restrictive-measures/counter-terrorism-measures>

- FATF Guidance. (2016). *Criminalizing Terrorist Financing (Recommendation 5)*. FATF. Retrieved from <https://www.fatf-gafi.org/publications/fatfrecommendations/documents/criminalising-terrorist-financing.html>
- Grant, H. (2015). *Social Crime Prevention in the Developing World: Exploring the Role of Police in Crime Prevention* (1st ed.). Switzerland: Springer.
- Jendli, M. (1395 [2016 A.D.]). Darāmadi bar pišgiri az jorm (ta'ārif, tārixce, ruykard-hā va durnamā) [*Prévenir la Criminalité: Oui Mais Comment?*] (Sh. Ebrahimi, Trans.). Tehran: Mizan.
- Klein, P. (2009). International Convention for the Suppression of the Financing of Terrorism. *United Nations Audiovisual Library of International Law*. Retrieved from https://legal.un.org/avl/pdf/ha/icsft/icsft_e.pdf
- Lerner, B. (2018). Iran: IMF Evaluates Iran's Legislative and Institutional Efforts to Combat Money Laundering and Terrorism Financing. *Global Legal Monitor, Law Library of Congress*. Retrieved from <https://www.loc.gov/item/global-legal-monitor/2018-04-13/iran-imf-evaluates-irans-legislative-and-institutional-efforts-to-combat-money-laundering-and-terrorism-financing/>
- Malakoutikhah, Z. (2020). Criminalization of Terrorism Financing in Iranian law. *Journal of Financial Crime*, 27(1), 231-244. <https://doi.org/10.1108/JFC-12-2018-0133>
- Masoudi, A. (1387 [2008 A.D.]). *Hoquq-e bānki* [Banking Law]. Tehran: Pishbord Publications.
- Mckay, L. (2015). *Toward a Rule of Law Culture: Exploring Effective Responses to Justice and Security Challenges*. Washington D.C.: Practical Guide, the United States Institute of Peace.

- McLaughlin, E., & Muncie, J. (2019). *The Sage Dictionary of Criminology* (4th ed.). India: SAGE.
- Namamian, P., & Najandimanesh, H. (2019). Designing and Explaining a National Model against Nuclear Terrorism in Iran's Legislative Criminal Policy. *Criminal Intelligence Researches*, 14(1), 85-106. <https://www.sid.ir/en/journal/ViewPaper.aspx?id=774622>.
- Nemati, L., Hosseini M., & Mahdavi Pour, A. (1399 [2020 A.D.]). Rahyāft-hā-ye pišnegarāne dar mahār-e terrorism [In English: Anticipatory Approaches to Restraining Terrorism]. *Journal of Criminal Law Research*, 8(30), 231-258. DOI: 10.22054/JCLR.2019.39062.1843
- Noor Mohammadi, F., & Khaleghi, A. (1398 [2019 A.D.]). Siyāsāt-e keyfari-e irān dar qebāl-e ta'min-e māli-e terorism [Iran's Penal Policy Towards Financing Terrorism], *Proceedings of 5th International Conference on Management, Psychology and Humanities with an Approach to the Sustainable Developmen*. Retrieved from <https://civilica.com/doc/975498/>
- Okoro, E. R. (2014). Terrorism and Governance Crisis. Retrieved from AJCR: <https://www.accord.org.za/ajcr-issues/terrorism-and-governance-crisis/>
- Organization for Security and Co-operation in Europe (OSCE). (2020). *A Whole-of-Society Approach to Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism*. Vienna: Federal Ministry Republic of Austria. Retrieved from https://www.osce.org/files/f/documents/a/7/444340_0.pdf
- Rayejian Asli, M. (2021). Protecting Victims of Terrorism in the Light of Global Criminology: International Experiences and Developments in the Early Third Millennium. *International Annals of Criminology*, 59(1), 55–72. DOI:10.1017/cri.2021.6

- Safdari, A. (1394 [2015 A.D.]). Pulšuyi va zed-e pulšuyi dar šerkat-hā-ye tejāri va mo'assesāt-e qeyr-e tejāri [*Money Laundering and Anti-Money Laundering in Commercial Companies and Non-Commercial Institutions*]. Tehran: Sanaye Danesh Publications.
- Schmid, A. P. (1992). Terrorism and Democracy. *Terrorism and Political Violence*, 4(4), 14-25. DOI: 10.1080/09546559208427173
- Shahrouri, N. (2010). Does a Link Exist between Democracy and Terrorism?. *International Journal on World Peace*, 27(4), 41-77. Retrieved from <http://www.jstor.org/stable/23266547>
- Shams, M. E., Qourchi Baygi, M. (1388 [2009 A.D.]). Pišgiri vaz'ie az terrorism [Situational Prevention of Terrorism]. *Journal of Comparative Law*, 0(16), 125-146 <https://civilica.com/doc/1205727/>
- Smith, M. (n.d.). Securing Our Future: A Decade of Counter-Terrorism Strategies. United Nations: UN Chronicle. Retrieved from <https://www.un.org/en/chronicle/article/securing-our-future-decade-counter-terrorism-strategies>.
- Tajbakhsh, Sh. (2010, Dec. 15-16). *Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia, 1st Expert Meeting on Pillars I and IV of the Strategy Bratislava*. Slovakia. Retrieved from https://www.un.org/es/terrorism/ctitf/pdfs/1st_expert_meeting_bratislava_eng.pdf.
- The United Nations. (2008). *Human Rights, Terrorism and Counter-Terrorism* [Fact Sheet No. 32]. Geneva: Office of the United Nations High Commissioner for Human Rights. Retrieved from <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>.
- The United Nations' Office of Counter Terrorism. (n.d.). UN Counter-Terrorism Center. Retrieved from <https://www.un.org/counterterrorism/>

- Tofangsaz, H. (2018). Criminalization of Terrorist Financing: From Theory to Practice. *New Criminal Law Review*, 21(1), 57-140. DOI:10.1525/nclr.2018.21.1.57
- Tremblay, R. E., & Craig, W. M. (1995). Developmental Crime Prevention. *Crime and Justice*, 19, 151–236. <http://www.jstor.org/stable/1147597>
- UN General Assembly. (1999, Dec. 9). International Convention for the Suppression of the Financing of Terrorism (No. 38349). Retrieved from <https://www.refworld.org/docid/3dda0b867.html>
- United Nations Office on Drugs and Crime (UNODC). (n.d.). Iran to Strengthen Its Capacities to Fight Money Laundering and Financing of Terrorism. Retrieved from <https://www.unodc.org/islamicrepublicofiran/en/iran-to-strengthen-its-capacities-to-fight-money-laundering-and-financing-of-terrorism.html>
- United Nations Office on Drugs and Crime (UNODC). (2012). *The Use of the Internet for Terrorist Purposes*. Retrieved from https://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf.
- Zare Qajari, F., & Ghaem Maghami, A. (1392 [2013 A.D.]). Estāndārd-hā-ye beyn-ol-melali-ye mobāreze bā pulšuyi va ta'min-e māli-ye terrorism [*International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation*]. Tehran: Tabesh Publications.