

INTERNATIONAL STANDARDS: LIABILITY FOR TERRORIST FINANCING

Otaboev Bobur Ibrat ugli

Senior Lecturer of the Department of Criminal Law, Criminology
and Anti-Corruption of Tashkent State University of LawE-mail: otabayevbobur@gmail.com<https://doi.org/10.5281/zenodo.14748094>

Abstract: The article examines international legal mechanisms aimed at countering the financing of terrorism as one of the key threats to international security. Particular attention is paid to the main international documents, including the 1999 Convention for the Suppression of the Financing of Terrorism, UN Resolution No. 1373 (2001) and the FATF recommendations, which became the basis for the development of effective measures to prevent terrorist financing. The key provisions of these documents aimed at criminalizing the financing of terrorism, blocking financial flows and international cooperation in the field of legal assistance and extradition are analyzed. The development of regulatory acts in the post-Soviet space, including the CIS treaties, the Shanghai Convention and measures regulating the control of financial flows, are also considered. The article emphasizes the importance of a coordinated international approach and the need to adapt national legal systems to effectively counter the global terrorist threat.

Keywords: Terrorist financing, international standards, 1999 Convention, UN Resolution, FATF, European Union, CIS, Shanghai Convention, legal assistance, international cooperation, extradition, customs control.

Terrorist financing poses a serious threat to international security, requiring a coordinated response from states. International standards play a key role in creating a legal framework to combat this crime. Globalization and transnational threats require collective efforts by countries, including the development of international documents to coordinate the fight against terrorism.

Suppressing the financing of terrorist groups is one of the most effective methods of countering terrorism, as it deprives them of resources for their activities. According to Sergei Butkevich, disruption of financing includes the elimination of sources of funds and complicating access to them, as well as improving legislation and law enforcement practices[4].

The development of scientific provisions for improving current legislation and law enforcement practices in the field of implementing criminal-legal and criminological measures to combat the financing of terrorism is a necessary step to improve the quality of the fight against terrorism[3].

Therefore, the international community decided to develop international standards for regulating countering the financing of terrorism.

At the First International Congress on Criminal Law, held in Brussels in 1926 under the auspices of the International Association of Criminal Law, conferences were initiated on issues of terrorism. The world community sought to develop and approve legal acts regulating various aspects of the fight against this phenomenon. Within the framework of the conference, key areas of counteraction to terrorism were defined, one of which was the establishment of criminal liability for terrorism and its financing.

For most of the 20th century, terrorist financing was not singled out as an independent criminal offence. As S. V. Averin notes, “attempts to criminalise terrorist financing at the international level were fragmented and unsystematic.” Only in the late 1990s did international organisations begin to take significant steps in this direction, having recognised the scale of the problem[2].

The adoption of the International Convention for the Suppression of the Financing of Terrorism in 1999 was a turning point, establishing at the universal level the obligation of states to recognize the financing of terrorist activities as a criminal offence. This document laid the foundation for international legal regulation in this area, promoting the unification of approaches to countering terrorism and defining clear principles for the prosecution of such crimes.

The preamble to the 1999 Convention for the Suppression of the Financing of Terrorism emphasizes that terrorism poses a serious threat to international peace, security and human rights. The document identifies financing as a key factor enabling terrorist acts, and its suppression is considered an important measure in the fight against terrorism. The preamble also emphasizes the importance of international cooperation, calling on states to act together, exchange information and coordinate efforts. It is noted that countering the financing of terrorism must be carried out with respect for the sovereignty, national legal systems of the participating countries and with observance of human rights. These principles serve as the basis for global cooperation in the fight against terrorist threats.

One of the key provisions of the Convention is the criminalization of terrorist financing. Article 2 contains legal norms defining the elements of the crime related to the financing of terrorist activity. It describes the actions that qualify as a crime and provides criteria for classifying certain acts as criminal.

The 1999 Convention for the Suppression of the Financing of Terrorism establishes key principles of international cooperation and mutual legal assistance in combating the financing of terrorism. The provisions of Articles 8–12 are aimed at simplifying the exchange of information, coordinating efforts in conducting investigations and ensuring the extradition of persons suspected of financing terrorist activities. In the context of a growing global threat, these norms acquire special significance, facilitating the unification of efforts by states to effectively suppress and prevent the financing of terrorist structures.

The 1999 Convention for the Suppression of the Financing of Terrorism is a significant international legal instrument aimed at suppressing and preventing the financing of terrorist activities. It obliges member states to criminalize the financing of terrorism, implement national mechanisms for controlling financial flows, and actively cooperate at the international level. The main measures of the Convention provide for strict sanctions for the provision of financial resources, assistance to terrorist activities or attempts to commit such actions.

The document promotes the strengthening of cooperation between countries in the field of extradition and exchange of legal information, which allows for effective counteraction to the financing of terrorism at the global level. At the same time, the successful implementation of the provisions of the Convention requires a comprehensive approach and adaptation of national legislation taking into account the diversity of legal and political systems. Despite the existing difficulties, the Convention remains a key mechanism for protecting international

security and maintaining law and order in the context of modern challenges related to the financing of terrorism.

Following the terrorist attacks of September 11, 2001, the UN adopted Resolution 1373 on September 28, 2001, which obliged states to strengthen measures to suppress the financing of terrorism. Adopted under Chapter VII of the UN Charter, it requires freezing the assets of individuals and entities involved in terrorism, prohibiting the financing of terrorist groups, and establishing mechanisms to monitor financial flows. The resolution also obliges countries to cooperate in investigations and share information. It was a key step towards a coordinated international fight against terrorist financing.

Counteracting the financing of terrorism in continental Europe has become an independent area, actively developed within the European Union. The basis for this process was laid by the Single European Act (1986) and the Treaty on European Union (1992), which clearly outlined the importance of joint efforts by EU member states in combating terrorism and suppressing its financing.

One of the key documents in the fight against terrorist financing was the Council of Europe Regulation No. 881/2002 of 27 May 2002, adopted in response to the growing terrorist threat, including the increase in the number of terrorist attacks both in the European Union and around the world. This act was aimed at undermining the economic base of terrorist organizations, in particular Al-Qaeda, recognized as responsible for a series of major terrorist attacks, including the attacks of September 11, 2001[5].

The Financial Action Task Force on Money Laundering (FATF) has developed key international standards to combat terrorist financing, setting out basic principles and recommendations for countries. In response to the growing threat of terrorism, in 2001 the FATF adopted eight Special Recommendations, which have become an important part of the global anti-corruption strategy and have helped countries develop measures to prevent the financing of terrorist activities[1].

The main provisions of the FATF standards on combating terrorist financing cover several key areas aimed at restricting terrorists' access to financial resources and strengthening international cooperation. First of all, the standards provide for measures aimed at identifying and blocking financial flows related to terrorist activities, including monitoring financial transactions and strengthening control mechanisms. The emphasis is also placed on the need for effective information exchange between countries, the creation of national legal and institutional mechanisms to prevent terrorist financing, and ensuring the transparency of financial transactions. These measures are designed to significantly reduce the possibility of using financial resources for terrorist purposes and improve coordination of actions at the international level.

In the post-Soviet space, measures to combat terrorism and its financing are actively developing, regulated by a number of normative acts. These include: the Treaty on Cooperation of the CIS States in Combating Terrorism (1999), the Shanghai Convention on Combating Terrorism, Separatism and Extremism (2001)[6], as well as the Treaty on Combating Money Laundering and the Financing of Terrorism (2011), which regulates the movement of cash across borders. Counteracting the financing of terrorism is also enshrined in Article 6 of the Customs Code[8] of the Customs Union, which emphasizes the role of customs authorities in controlling currency and value flows across borders[7].

Thus, combating the financing of terrorism requires a comprehensive approach, including international cooperation, harmonization of legal norms and effective control over financial flows. International documents, such as the 1999 Convention and UN Resolution No. 1373, have laid the foundation for coordinated efforts in this area. Measures and standards adopted at the global and regional levels, such as the FATF recommendations and European regulations, help strengthen the fight against terrorism and its economic basis. However, successful implementation of these standards requires further improvement of national legislation and effective international cooperation.

References:

1. Podobed T.S. International legal recommendations for combating the financing of terrorism and their consideration in its prevention // Russian investigator. 2012. No. 7. P. 44-48.
2. Andronova Inna Vitalievna, Gusakov Nikolay Pavlovich, Zavyalova Elena Borisovna Financing of terrorism: new challenges for international security // Bulletin of international organizations: education, science, new economy. 2020. No. 1;
3. Bogomolov, Stanislav Yuryevich. Abstract. Responsibility for the financing of terrorism: criminal-legal and criminological research;
4. Butkevich Sergey Anatolyevich Financing of terrorism: conceptual apparatus and directions of counteraction // Bulletin of the Criminal Investigation Department of the Ministry of Internal Affairs of Russia. 2016. No. 3 (33);
5. TREATY on cooperation between the member states of the Commonwealth of Independent States in the fight against terrorism// <https://docs.cntd.ru/document/901824672>;
6. SHANGHAI CONVENTION ON COMBATING TERRORISM, SEPARATISM AND EXTREMISM// <https://lex.uz/docs/2066678>;
7. "Agreement on counteracting the legalization (laundering) of proceeds from crime and the financing of terrorism when moving cash and (or) monetary instruments across the customs border of the Customs Union" (Signed in Moscow on 19.12.2011) (as amended on 20.07.2021)// https://www.consultant.ru/document/cons_doc_LAW_123791/;
8. Customs Code of the Customs Union [Electronic resource]. URL: <http://tktsrf.ru/#tkts>;