

FINANCING OF TERRORISM - LOOKING AT MONEY LAUNDERING AND ORGANIZED CRIME AS MAIN FORMS OF FINANCING

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ABSTRACT

Terrorist financing is the collection and distribution of funds with the intention of using them to commit terrorist acts. To finance their activities, terrorists often use dirty money. Money laundering is the process of concealing money or property that has been obtained illegally or criminally. When the property is acquired by committing a crime, the executor looks for a way to use the acquired money without attracting the attention of the competent authorities.

The system for combating money laundering and terrorist financing is one of the subsystems in the unified system of public and national security, includes a set of actions and measures within the organization of physical and technical protection and security protection, active and passive, with the aim of preventing various criminal and other forms of endangering national security in the sphere of money laundering and the fight against terrorism at the national, regional and international level.

Keywords: terrorism, money laundering, financing, prevention, national and international framework

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Declaration of interest:
The authors reported no
conflict of interest related
to this article.

INTRODUCTION

Modern terrorism has become one of the most serious threats to global security. The choice of the target of the terrorist attack depends on the terrorist group, that is, on the goal to be achieved by destroying the chosen target and losing the lives of innocent civilians. The formation, maintenance and expansion of a terrorist network requires large financial resources, while the costs required to carry out a terrorist attack are symbolic in terms of the damage caused and the loss of human life. Terrorism in the international order and the national legislation of individual states has the character of a criminal offense, so the funds needed for the preparation and execution of terrorist activities must be delivered to the end users (terrorists) through secret channels.

Recent conventions adopted by international organizations expand the provisions that constitute terrorism as an international crime, calling on states to prevent the travel of foreign terrorist fighters and their financing, to strengthen interstate cooperation, especially in the area of detecting terrorist recruitment through social networks and the placement of propaganda materials by terrorist organizations in electronic form.

The maintenance of terrorist networks, the recruitment of new members and propaganda are financed by a number of legal and illegal sources. Terrorists use a wide variety of financial sources and organizations for their activities, including humanitarian organizations, alternative money transfer channels, funds obtained through various forms of organized crime such as arms, oil, narcotics and human trafficking. As an example, we can take the UN Resolution, adopted at the end of 2015,

which indicates the financing of the terrorist organization ISIL (Islamic State of Iraq and the Levant) through oil trade, extortion, kidnapping for ransom of individuals, sale of valuable objects of cultural heritage. to some countries etc.

FINANCING OF TERRORISM – GENERAL CRITERIA

The International Convention for the Suppression of the Financing of Terrorism in Article 2 defines the financing of terrorism as "in any way, directly or indirectly, unlawfully and intentionally, the provision or collection of funds with the intention of using or knowing that they will be used, fully or partially, for the purpose of committing terrorist acts. In order to define, the same Convention in the Annex mentions the international conventions related to the issue of terrorism, defining terrorism as "acts whose purpose is to intimidate the population or to compel a government or an international organization to commit or refrain from committing act." In some situations, the financing of terrorism is equated with the phenomenon of money laundering.

Money laundering is the process of concealing the source and origin of material resources originating from a crime through a series of financial operations, in order to make a profit based on it. Terrorist financing is the collection and distribution of material resources with the intention of using them to commit terrorist acts. So, a common feature of both phenomena is the financial transactions, or rather the instruments used in both cases are the same, as well as the mechanisms available to the states in the fight against these phenomena. Often the financing of terrorism is also called "reverse money laundering". (Mirkovic, Z:2016) But this is not the case in every individual case, because the funds obtained

through criminal acts are also used for the same purposes. It can be said that money laundering is the use of money obtained through criminal activities, and terrorist financing is the use of money to carry out criminal activities.

THE MEANING AND EXTENT OF TERRORIST FINANCING

For the term terrorism, due to its actuality and meaning, there are many definitions in theory and practice. According to one of the definitions, "terrorism is a complex form of organized, individual and less often institutional political violence, characterized by terrifying physical and psychological methods of political struggle that are usually used in times of political and economic crises, and rarely in conditions of achieved economic and political stability of a society. They systematically try to achieve big goals in a way that is completely inappropriate to the given conditions, above all to the social situation and the historical opportunities of those who use it as a political strategy". (Stanković, N:2014) Money is very important to terrorist groups and organizations, as they are a common medium of exchange. Money laundering has a decisive influence on the successful functioning of almost all forms of organized crime, especially transnational. The negative impact of the money laundering phenomenon on economic development and the functioning of the financial sector is known to almost everyone. Taking into account the fact that organized criminal groups are rapidly moving towards the internationalization of their activities, states should construct appropriate solutions in national legislation and cooperate with each other.

Based on the review of the previous activities in this sphere, we can see that money laundering has a decisive influence on the successful

operation of almost every form of organized crime, including terrorist activity. In order to observe this problem more easily, it is necessary to state the definition of criminality which reads: "criminality is the totality of all criminal acts in a certain time and space, which as a mass social phenomenon adapts to modern social phenomena, manifesting itself through new forms of appearing". (Stanković, N.:2014) Criminal organizations, which include terrorist organizations, groups and individuals, acquire significant financial income, property and money based on illegal activities. Regarding the phenomenon of terrorist financing, the opinion that modern terrorism can be cheap to finance is mainly represented in the literature. Information is provided that, for example, the price of explosives on the market is low and that explosives are available to a wider range of potential users.

Also, some experts believe that suicide terrorism is very cheap, of course if you do not take into account the lives lost, on the one hand, of the suicide terrorists and, on the other hand, of the victims, who are mostly civilians. As an example of the low costs of terrorist actions that caused large material losses and numerous civilian casualties, the terrorist action that was carried out in Madrid is mentioned. The result was more than two hundred human casualties. Based on research by the Spanish government authorities, it was determined that the direct costs of the entire operation did not amount to more than 10,000 euros. The former president of Colombia, Andreas Pastrana, also referred to that terrorist attack, according to whose opinion "to finance, say, a terrorist attack in Madrid, it was necessary to sell two kilograms of hashish". (Stanković, N.: 2014)

The claim of cheap terrorism is, in practice, contradicted by the fact that today there is neither cheap nor expensive terrorism. According to experts who support this opinion, terrorism has its real price, which in

its financial form represents significant sums of money in practice, even internationally. It is considered that this is a unique phenomenon, that is, terrorism can hardly be compared with any other phenomenon. The visible terrorist act is the end product of the ideas about terrorism that have their basis in much wider socio-political and socio-economic circumstances at the level of the world community, and not only of the terrorist organizations that prepare and implement it in practice. In order to achieve a terrorist act as an end product, it is necessary to secure and invest significant financial resources. These funds are necessary to create the necessary preconditions for the emergence of terrorism itself. Terrorism as a phenomenon stems directly from extremism, which can manifest itself in specific forms. In the modern world, the most obvious and well-known form of extremism is religious extremism, which is a suitable basis for the emergence and development of religious terrorism.

When considering and determining the costs of a terrorist act committed by a terrorist organization, all other financial costs should be taken into account. In practice, terrorism can also manifest itself in the form of individual terrorist acts that are not supported by any terrorist organization or its financial support. However, even in such cases, behind each individual terrorist act, it is likely that there is an idea of terrorism, and the creation and maintenance of such ideas requires significant financial resources. The dimension of modern terrorism understood in this way represents an adequately constructed point of view of the phenomenon of terrorism, that is, a starting point for the most successful opposition to terrorism.

STAGES OF TERRORIST FINANCING

Terrorist financing consists of several stages characterized by different participants and different mechanisms. The initial stage is the stage of "collecting or accumulating funds from a number of different sources and in several different ways". Funds can come from the operations of companies that are connected to or even controlled by terrorist organizations or individuals. Furthermore, the funds may originate from criminal acts such as drug trafficking, kidnapping, extortion, fraud, etc. A significant source of these funds are donations from individuals who support the goals of terrorist organizations, as well as charitable foundations that intentionally or unintentionally collect funds and channel them to terrorist organizations.

Funds collected are housed and stored in a number of different ways, including bank accounts opened by, most often, intermediaries, individuals or companies. The next stage of terrorist financing is the transfer of these funds to cells of terrorist organizations or individuals for their operational use. In some cases, terrorist groups also use humanitarian organizations that transfer money and weapons, supplies and even human resources for them, to terrorist cells operating in war zones and countries affected by insurgencies and lawlessness. Alternative money transfer systems or networks such as India's hawala, Pakistan's hundi or China's chat or chip, which operate within strictly defined racial, tribal or national groups, are also very commonly used ways to transfer these funds.

These systems are efficient because they rarely involve the physical transfer of cash and leave no written trail of the transfer, making them extremely suitable for terrorist organizations. Money is often transferred to end users both through couriers and by smuggling cash

across national borders. After receiving the previously collected funds in the cells, they can be stored again or used to perform an action. The final stage, which is "final proof of the criminal nature of these assets, is their use". The use of these assets can be diverse, starting from the simple purchase of explosives for an individual suicide attack to the use of assets for a whole range of activities such as supporting the regular activities of the cells (buying food or renting vehicles and apartments), procuring weapons and explosives, providing shelter and medical care, financing training camps, publishing propaganda material, buying computers and telecommunications equipment or paying for political support and asylum in appropriate countries.

MONEY LAUNDERING AS A FUNCTION OF FINANCING TERRORISM

Money laundering is a time-specific process of movement of illegally acquired funds, lasting longer or shorter, with the aim of finally obtaining apparently legally acquired funds through a cycle of transformation. Money laundering refers to any activity that originates from criminal or illegal activities and threatens confidence in financial systems." (Radih, G :2008), The specificity of this activity is the reduction of the price of the suspicious transaction, concealing the illegal origin of the money. The basic economic function of money laundering lies in the transformation of liquidity from illicit origins, or in "transforming potential potential paying power into real, for use in consumption, savings, investment and reinvestment." Illicit income represents possible payment power, because direct use increases the possibility of detecting the perpetrator of the crime." (Pajić, D.; Vejzović, S.:2013) The easiest

way to legalize illegally acquired funds is to deposit the money in a bank without proving its origin.

Money laundering is not a new phenomenon, but exists in parallel with the black market, i.e. the gray economy. Money laundering consists in the placement of illegally acquired monetary capital, which is outside of legal circulation, in legal financial flows, thanks to which, on the one hand, it enables its use, and on the other hand, it makes it difficult to prove the criminal activity from which the dirty money came. (Škulic, M.: 2015)

In the domestic economy, the gray market relies on the smuggling of goods and the illegal trade in means of payment, which is a consequence of the distortion of the supply and demand of goods, the role of money and foreign exchange. Illegal means of payment, which have been acquired in an illegal way, which circulate outside the official money flows and which are recorded in bank accounts. Due to the importance of the fight against money laundering, whose actors use numerous frauds to return it to the financial sector, there is a need for an organized way of fighting against the problem of money laundering itself. Protection does not represent any special organization that would perform tasks in the field of public and state security, but through the activity of the competent state bodies, integral protection of national interests from the negative effects of money laundering and terrorist financing is carried out by the body. Successful execution of terrorist activities, among other things, requires stable financial support. Money is the necessary basis of criminal and terrorist organizations, regardless of where they operate and what their goals are. Money for the activities of terrorist organizations is extremely important.

Hence, the connection of terrorism is obvious, both with organized crime, with which one of the manifestations is intertwined, and with

transnational organized crime, in order to achieve a financial basis for the successful organization and execution of terrorist actions. They finance terrorist activities by committing various criminal acts in the field of classic, political and economic crime. Terrorist organizations encourage money laundering, which becomes a side effect of countries' economic systems. The reason for this situation is the disruption of the supply and demand of goods, services and means of payment, instability, economic conditions, which leads to smuggling of goods and illegal trade in means of payment, creates the need for its legalization and later use it freely. Through money laundering, criminal activities in the financial sector are directly encouraged and increased, and essential financial support is given to terrorist activities.

Today, terrorist organizations use legal money channels for smooth, timely and secure financing of their activities for the transfer of their funds. For these purposes, it uses the services of legal financial institutions, such as commercial banks, offshore banks and other financial institutions such as savings banks, credit organizations, leasing companies, organizations specialized in electronic money transfer, insurance companies, brokerage companies, investment funds. Using their services, they carry out and conceal money laundering intended to fulfill their objectives. But one must take into account the fact that not only illegally acquired funds are used to finance terrorist organizations and their actions, but also legally acquired ones, which are available through money laundering channels.

THE LINK BETWEEN TERRORISM AND ORGANIZED CRIME

In the scientific literature and the professional public, for a long time there was an opinion that criminals and terrorists represent special threats to society. However, recently the border between terrorism and organized crime is not significantly expressed because it is very difficult to determine where terrorism reaches and from where criminal activities start due to the fact that in the area where terrorism develops there is an adequate basis for systematic and planned execution of crimes with characteristics of organized crime. Thus, today, in modern society, it is quite certain that terrorism and organized crime are phenomena that are closely related and that do not know the borders of a certain region, religion or nationality. At the outset, no terrorist organization would survive without the support of one or more states or non-state actors, in the form of political, economic or psychological support, covert or overt.

Over time, as the activities of many terrorist organizations have expanded, and the links with the original sources of support have varied, changed or ceased, the need for additional stimulation has arisen in the area of financing the activities of the organization. For those reasons, relations and specific forms of cooperation with criminal organizations were gradually built. Therefore, the financing of terrorism is one of the fundamental elements of the relationship between terrorism and organized crime and one of the fundamental reasons for the connection between terrorism and organized crime. Terrorist financing is a process in which certain actions are taken in order to secure funds with the intention of using them to undertake and carry out terrorist activities. Today, terrorism is financed through various forms of legal and illegal business, but mostly through various forms of crime and through the execution of criminal acts with elements of organized crime. The forms of financing of terrorist

organizations that are most often mentioned and that represent the financial basis for the majority of terrorist actions are: drug trafficking, radioactive material trafficking, arms trafficking, human trafficking, money laundering, computer crime, activities of certain - government organizations, establishment of construction companies, banks, as well as organizations that mainly serve as a cover for performing illegal activities, etc.

Many common forms of cooperation between terrorist groups and organized crime are reflected in the relationship between terrorist groups and organized crime groups whose main activity is drug smuggling and trafficking. Also, the connection of terrorist organizations with organized crime occurs during the exchange of illegal goods owned by either terrorists or organized criminal groups, depending on the specific case. Based on the connection with organized crime, terrorist activities are prepared and carried out with the help of the necessary technical and armed means and equipment required for successful action.

It can be concluded that the relationship between terrorism and organized crime is based on the following activities:

- Organized crime finances terrorist organizations or groups with their illegally acquired profits;
- Organized crime smuggles weapons and equipment for the needs of terrorist movements and/or smuggles foreign mercenaries and terrorists into countries where terrorist organizations operate;
- Terrorist organizations independently or in cooperation with criminal groups undertake certain organized criminal activities in order to acquire material and military means for carrying out terrorist acts;

- Organized crime with expressed political aspirations undertakes certain terrorist activities in order to immediately come or bring its political current to power. (Mijalkoviĥ, S.: 2008).

Therefore, the relationship between organized crime and terrorism can be twofold: on the one hand, terrorist activity is a form of organized crime, and on the other hand, terrorism as such is manifested through the execution of various criminal acts in order to achieve political, financial, ideological and other goals.

Terrorist groups and members of organized crime use the same money laundering procedures, but their activities have different motives. Organized crime groups like to use money laundering to disguise the criminal origin of financial assets in order to increase their ill-gotten gains, while terrorist organizations funnel "dirty" money through the financial systems using money laundering methods due to the clandestine and criminal nature of their operations. , and thereby preventing the possibility of planned terrorist activities, were discovered by a financial intelligence service. The global dimension of the problem of money laundering and terrorist financing has a devastating impact on the economic, political and security aspects of the functioning of individual states and the international system.

PREVENTING TERRORISM

Money laundering and terrorist financing have the same methodological framework, but different motives. Members of organized crime groups want to keep the money acquired through criminal activities, concealing the origin of the financial means, while terrorists want to hide the purpose of the money, that is, the terrorist attack they plan to carry out. The specific nature of terrorism makes the detection of suspicious money

transfers a challenging task for financial and intelligence services whose activities are primarily preventive in nature. Disrupting terrorist financing channels is a key element in the fight against terrorism, as financial resources are a necessary component of every segment of terrorist activities, from the formation of terrorist networks, the spread of their influence to the execution of a terrorist attack. The preventive activity of the intelligence services and financial institutions of individual states plays a major role in preventing terrorist attacks that result in material destruction, suffering of civilian victims and impaired credibility of the state in which the terrorist attack took place.

The system for combating money laundering and terrorist financing is one of the subsystems in the unified system of public and national security, includes a set of actions and measures within the organization of physical and technical protection and security protection, active and passive, with the aim of preventing various criminal and other forms of endangering national security in the sphere of money laundering and the fight against terrorism at the national, regional and international level. The goal is to discover their perpetrators, as well as more effective protection of the state from mechanisms for money laundering and terrorism, which is undoubtedly of central importance for the security of the state, the national economy and citizens. All the countries of the Balkans, and therefore the contemporary international community, certainly have their own role in establishing a system of countermeasures in relation to these two phenomena.

The system for the prevention of money laundering includes a series of actions and measures within the organization of physical and technical protection, with the aim of preventing criminal and other forms

of threats to national security, in the field of money laundering and the fight against terrorism on a national and international level. The goal is to detect the perpetrators, as well as more effective protection of the states from the mechanism of money laundering and terrorism, which is of central importance for the security of the state and its citizens.

Starting from the real threat of organized crime and its international character and its role in the financing of terrorism, the international community has developed a strategy for a general fight against the most dangerous types of crime such as the trade in narcotic drugs, weapons, white slaves and money laundering. The international community's efforts to prevent and punish the financing of terrorism are part of an overall effort to combat all aspects of terrorism.

LEGAL FRAMEWORK FOR PREVENTING THE FINANCING OF TERRORISM IN THE REPUBLIC OF NORTH MACEDONIA

The Republic of North Macedonia has so far undertaken a series of activities on the domestic and international level, in the direction of active participation and contribution in the global efforts to combat money laundering and the financing of terrorism. The Republic of Macedonia as a small and independent country is very often the target of money launderers, so numerous activities are undertaken, both domestically and internationally, in the direction of active participation and contribution to global efforts to combat money laundering. The RSM Assembly has ratified the following documents: UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention of 1988), Convention on Money Laundering, Discovery, Seizure and Confiscation of Property Proceeds of Crime, Convention on United Nations Against Transnational Organized Crime (Palermo Convention of 2000), International Convention for the Suppression of the Financing of

Terrorism (of 1999), Council Directives of the European Union of 1991 on preventing the use of the financial system for the purpose of money laundering (91/308/EEC) and Directive 2001/97/EC of the European Parliament and of the Council of 2001, supplementing the European Directive 91/308 and as well as the FATF recommendations on money laundering which are important for international regulation of the money laundering process.

In the field of domestic legislation, several laws have been adopted that regulate prevention in the field of preventing money laundering and terrorist financing, among which:

- Law on Prevention of Money Laundering and Financing of Terrorism;
- Law on commercial companies;
- Law on banks;
- Law on foreign exchange operations;
- Law on performing fast money transfer services;
- Insurance Supervision Law;
- Securities Law;
- The Criminal Code;
- The Law on Criminal Procedure;
- Law on international restrictive measures, etc.

In terms of inter-institutional cooperation in the fight against money laundering, the Government of the Republic of North Macedonia has established a Council for the fight against money laundering and terrorist financing. He has the obligation to coordinate the implementation of the activities planned by the National Strategy, to improve the functionality of the system for the prevention of money laundering and

financing of terrorism and to propose activities to increase its efficiency, as well as to monitor the implementation of the conclusions adopted by the Government which refer to the promotion of the policy to combat money laundering and the financing of terrorism.

CONCLUSION

The prevention of money laundering and terrorist financing is an important task of any jurisdiction and includes all measures and actions that can be taken to ensure that ill-gotten gains are used in any way or that, regardless of the source, the funds are used for the purposes of any form of terrorism. Money laundering and terrorist financing is harmful to the economy and society as a whole. Money laundering can be the result of various criminal activities and, accordingly, of unfair competition for the economy, while the financing of terrorism is the main source of funds for the unacceptable, forced realization of certain goals and interests at the expense of others.

An anti-money laundering system in a particular jurisdiction needs to be comprehensive, standardized and effective and linked to the participants of such a system in other countries and globally, because money laundering and terrorist financing is just that - comprehensive and globally harmful. Money laundering is the concealment of illegally acquired income in such a way that it is presented as legitimate earnings, while terrorism is the use of violence to achieve political goals, often financed by legal income.

Terrorist financing is considered the provision or collection of funds or the attempt to secure or collect funds, legal or illegal, in any way, directly or indirectly, with the intention of using them or with the

knowledge that they will be used, in whole or in part, by terrorists or terrorist organizations for any purpose, which includes the commission of a terrorist offence, or by persons financing terrorism.

The risk of financing terrorism is the danger that the financial system will be misused for financing terrorism, that is, some legal relationship, transaction or product will be indirectly or directly used for financing terrorism. Financing of terrorism can also come from income from legal activities (humanitarian organizations, various associations, donations). This circumstance greatly complicates the detection of terrorist financing, especially since the amounts of transactions used to finance terrorism are very often small. The measures taken to prevent money laundering are not enough in the fight against the financing of terrorism, but must be supplemented by special measures prescribed by the competent international authorities.

The fight against the financing of terrorism requires a comprehensive approach, that is, a comprehensive strategy and the involvement of all relevant international organizations led by the United Nations.

In order to establish and strengthen the international system to combat the financing of terrorism, the Convention sets three obligations for member states:

- the obligation to criminalize the financing of terrorism as a separate crime;
- the obligation to improve cooperation with other member states and to provide international legal assistance in this regard, i.e.

- obligation to establish a system of detection and reporting of financial organizations, transactions and persons suspected of being related to terrorist financing.

International conventions require ratification and implementation into domestic law by member states in order to have effect in domestic law.

Hence, the fight against terrorism, in addition to the repressive active measures applied by the military, police and other such organizations, should also include ways to prevent the financing of terrorist organizations. In addition to the motivation of terrorist individuals or terrorist organizations as a whole, money is the basic driver of any terrorist action.

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