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Following the September 11, 2001 terrorist attacks in the United States, the Islamic Republic of Iran established a Coordinating National Committee (CNC) to facilitate implementation of U.N. Resolution 1373 (2001) and ensure that legislation is drafted that will bring Iran into compliance with that Resolution. Meetings of the CNC brought to light the difficulty of defining terrorism.

Criminalizing Terrorist Acts

The Islamic Republic of Iran has legislation that criminalizes commission of terrorist acts. Islamic Penal Code, Article 183 provides that “whoever resorts to arms to wage terror and panic and perturb peace and security shall be considered as [an] enemy combatant.” Those who are “enemy combatants” are treated as accomplices to terrorists acts, and as such, are considered to be a culprit and punishable to the same extent as the main perpetrators of the crime, under Islamic Penal Code, Article 42 and 43.

Iran also several provisions within its Penal Code that ensure the State has jurisdiction over both its citizens and aliens who commit crimes either targeting Iran or committed within Iran targeting other States. Islamic Penal Code, Article 7 provides that individuals who are arrested in Iran for crimes that occurred outside the country are tried according to the Islamic Penal Code. Furthermore, crimes either occurring partially in Iran or outside of Iran but targeting Iran are considered to have occurred within Iran under Islamic Penal Code, Article 4. Finally, Islamic Penal Code, Article 5 creates jurisdiction over citizens or aliens who commit crimes against the State, by providing that Iranians or aliens who commit crimes against the Islamic Republic of Iran shall be tried in accordance with the Penal Law of Iran.

Suppressing Recruitment of Members of Terrorist Groups

The Iranian Constitution, Article 156, Clause 5 states that “legal authorities shall suppress the recruitment by terrorist groups by enforcing crime-preventing mechanisms.” Under this authority, several provisions of the Islamic Penal Code criminalize recruitment by terrorist groups and terrorist actions. Islamic Penal Code, Article 498 criminalizes the formation of groups aimed at “perturbing the security of the country” and subjects those who establish such groups to 2-10 years of imprisonment. Individuals who join such a group and have knowledge of the group’s objectives can be sentenced to 3 months to 5 years of imprisonment under Islamic Penal Code, Article 499. “Under Article 512 of the Islamic Penal Code, whoever entices or instigates people to wage war or commit murder (including directing them to perpetrate terrorist acts) with a view to perturbing the security of the State, even if the act does not lead to murder or plunder, shall be sentenced to 1-5 years of imprisonment.” To encourage cooperation with authorities, “members of the groups referred to in Article 499...who cooperate with the legal authorities in identifying criminals or their criminal intentions shall receive pardons.”

Preventing Terrorists From Obtaining Weapons

The Islamic Republic of Iran only trades in arms with other governments, and only in conformity with all international laws (including U.N. mandated embargoes). In addition, Iran has passed several laws aimed at reducing trafficking in arms and munitions within the country. The Act, passed 15 February 1971, increased the punishment for traffickers in arms and munitions and armed traffickers. The Act “regulates purchase, sale, keeping, import and export of arms, war munitions, explosives,

combustibles, hunting guns and bullets and lays down punishment for violators.” Law Enforcement Force of the Islamic Republic of Iran, Article 4, Paragraphs 7 and 8 give law enforcement force full authority over collection of arms and munitions; permits for personal arms; and supervision over authorized holding and using of flammable objects.

Preventing, Suppressing and Criminalizing the Financing of Terrorism

The Islamic Republic of Iran has several laws to prevent and criminalize the financing of terrorism, as well as other laws that are in the drafting stage. Of particular importance is the Anti-Terrorism Act, currently in drafting, that will criminalize the financing of terrorism and includes provisions aimed at suppressing such activities.

Iran also has in place several regulations and laws aimed at prevention of money laundering -- a method of financing of terrorists. Currently, a bill specifically criminalizing money laundering is “going through its final phases in the Parliament.” As a general rule, “any sort of money transfer out of the banking system is illegal.” The National Banking and Monetary Act (1972), Article 30 provides that “the establishment of [a] bank and carrying out banking operations or using the word “bank” in the title of credit institutions are permissible only within provisions in the Banking and Monetary Act.” “Money transfer (*Hawalah*) in the banking system is carried out on the basis of the relevant transactions.” Article 42 of the National Banking and Monetary Act bans any transaction in local currency or foreign exchange that does not follow the Central Bank’s regulations.

Regulations aimed at preventing money laundering are outlined in Circular No. 3513, released by the National Council on Money and Credit. Following the September 11, 2001 terrorist attacks, Circular No. 3455 was issued by the Central Bank of the Islamic Republic of Iran. It requires all banks and non-banking credit institutions to report accounts of Al-Qaida operatives. The Islamic Interest-Free Funds Act of 1980 generates the most important non-banking monetary operation network in Iran. The Islamic Interest-Free Funds “provide applicants with limited interest-free emergency loans.” The Central Bank is responsible for overseeing the operations of these funds.

International Cooperation & Operational Information Exchange

At the local level, the Ministry of the Interior, the Ministry of Intelligence and the Ministry of Foreign Affairs are all working together to exchange information. These agencies are also in close contact with INTERPOL. Iran has also signed several bilateral agreements to prevent and suppress terrorist attacks.

The Islamic Republic of Iran has signed many international treaties aimed at prevention of terrorism; three are of significance with respect to biological weapons: (1) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, ratified 1929; (2) the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, ratified 1971; and (3) the Biological and Toxin Weapons Convention, ratified in 1973. Under Article 9 of the Iranian Civil Code, “the provisions of all international conventions and protocols that the Islamic Republic of Iran has acceded to and ratified by the parliament, are legally binding.”

BIBLIOGRAPHY OF RELATED LEGISLATION

Criminalizing Terrorist Acts

1. Islamic Penal Code, Article 183 (defines “enemy combatant”).
2. Islamic Penal Code, Articles 42 & 43 (enemy combatants treated as accomplices to acts of terrorism).
3. Islamic Penal Code, Article 7 (individuals who arrested in Iran for crimes that occurred outside the country are tried according to the Islamic Penal Code).
4. Islamic Penal Code, Article 4 (crimes either occurring partially in Iran or outside of Iran but targeting Iran are considered to have occurred within Iran).
5. Islamic Penal Code, Article 5 (Iranians or aliens who commit crimes against the Islamic Republic of Iran shall be tried in accordance with the Penal Law of Iran).
6. Punishing Perpetrators of Crimes Against Foreign Countries Act (1971) (government can enforce law covering crimes against national security even if crime was committed from within Iran but targeted another State).

Suppressing Recruitment of Members of Terrorist Groups

1. Iranian Constitution, Article 156, Clause 5 (“legal authorities shall suppress the recruitment by terrorist groups by enforcing crime-preventing mechanisms”).
2. Islamic Penal Code, Article 498 (sentence for formation of groups aimed at perturbing the security of the country).
3. Islamic Penal Code, Article 499 (sentences for members of Article 498 groups).
4. Islamic Penal Code, Article 507 (reduces sentences for members of the groups referred to in Article 499 who cooperate with legal authorities).
5. Islamic Penal Code, Article 512 (“whoever entices or instigates people to wage war or commit murder...with a view to perturbing the security of the State, even if the act does not lead to murder or plunders,” shall be imprisoned 1-5 years).

Preventing Terrorists From Obtaining Weapons

1. The Act (15 February 1971) (increased punishment for traffickers in arms and munitions and armed traffickers).
2. Law Enforcement Force of the Islamic Republic of Iran, Article 4, Paragraphs 7 & 8 (law enforcement has authority over collection, permitting, holding, and use of flammable objects).
3. Implemental Regulations of the Law of Transit of Foreign Goods through the Territory of Islamic Republic of Iran
4. The Law of Transit of Foreign Goods through the Territory of Islamic Republic of Iran

Preventing, Suppressing and Criminalizing the Financing of Terrorism

6. Islamic Penal Code, Article 43 (Those who encourage, incite, threaten or entice others to commit crimes (including financing of terrorism) are punishable as accomplices).
7. Islamic Penal Code, Article 610 (criminalizes actions against security of Iran).

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8. Anti-Terrorism Act (draft) (criminalizes the financing of terrorism).
9. Circular No. 3455 (document of Central Bank of Iran requiring banks and non-banking credit institutions to report accounts of Al-Qaida operatives).
10. Bill against money laundering (draft).
11. National Banking and Monetary Act (1972), Article 42 (bans any transaction that does not follow the Central Bank's regulations).
12. National Council on Money and Credit, Circular No. 3513 (November 2002) (provides regulations aimed at preventing money laundering).
13. National Banking and Monetary Act (1972), Article 30 (restrictions on establishing banks and conducting banking activities).
14. Islamic Interest-Free Funds Act; Articles 2, 13, and 16

International Cooperation & Operational Information Exchange

15. Iranian Civil Code, Article 9 ("the provisions of all international conventions and protocols that the Islamic Republic of Iran has acceded to and ratified by the parliament, are legally binding").
16. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, ratified 1929.
17. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, ratified 1971.
18. Biological and Toxin Weapons Convention, ratified in 1973.