

## Combat Money Laundering in Iran Rights and International Documents

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**Abstract:** Money laundering including the ominous phenomenon of the 20th century and the anti-social effects of globalization and national and is international. The activities and operations on the proceeds of crime in order to legitimize it and hidemoney laundering predicate offenses are said to be done. The United Nations Convention of Vienna in 1988, Palermo 2000 and 2003 Merida State Contracting is mandated by the phenomenon of crime in their domestic law and the Islamic Republic of Iran has acceded to this convention and has played an active role in the development of some of them. In jurisprudence can not find a definition for money laundering. Money laundering based on falsehood and respect public property including the prohibition of eating help on ASM unlawful conflict with the presumption of innocence does not know BVDHV crime and its perpetrator deserves punishment. He said Iran's anti-money laundering law conventions conflict between the substantive scope of criminalization of suspicious transactions, the subject of money laundering crime, the crime of money laundering, money laundering, organized, determined predicate offenses related crime, crimes of obstructing the course of justice, proceeds from crime, taking part in money laundering, assistance in money laundering, criminal liability of legal persons and the prevention of crime and money laundering, there are challenges as well as between them on the investigating authority, the inherent jurisdiction of the court, local and international proceedings referred to there. Supreme Council for fight money laundering Iran to resolve conflicts in the executive regulations anti-money laundering Act 1388 to enact a series of legislative regulations which came against the constitution and the constitution of the Islamic Republic of Iran under Article 170 of the Administrative Justice Court can also be broken. If the offense is committed by one of the plurality of origin and money laundering rule of collective punishment applied to different material.

**Key words:** Money laundering, the presumption of innocence, the presumption of guilt, crime, crime originated

### INTRODUCTION

One debates challenge contains law fine modern mass nihilism money laundering is that from under branch of sciences criminal legal sheer that's mean law criminel technical is.

Money laundering idiomatic is that language, legal to means hidden goods source main estate from germ that and clean represent revenues macro-illegitimate to working clear. Some Mtqndpvlshvyya door indeed continuation mass early is and other need less to mass nihilism independent No. But offensive what nowadays Drpvlshvy M. dedesired it is that money laundering phase Bdtrazjrm early contract to so that money laundering revenues illegal Ramshrv effects the cholera mechanisms effort the motivation this estate to Aztyrrs confiscation government to title property illegal bicolor there. One issues that here proposed, this is that mass nihilism money laundering in law criminal

statutory Iran with what challenge of juridical and documents among world face been is that need there with reference to references said response that discovery closed.

Paragraph 5 of Article 5 of the Vienna convention and paragraph 7 of Article 12 of the Palermo convention in 2000 the presumption of culpability Rabrasl innocence front is known. Therefore, the issue of work resulting in this way that in case of suspicious Vmznvn the property of the accused, his property confiscated Shvdvhal. He Baydsabt the origin healthy, moreover, he Shvdvamval the legitimacy of the origin of property charges Avmstrdgrddv Agrntvand chick quality Kndlavh Brmsadrh property, be sentenced to criminal punishment (Bagherzadeh, 2005). Primacy of the principle of innocence presumption of guilt contrary to the principles governing the rights Jzast but justify this action in any legal Mvardaqtza'dalt social Vmsalh this Rupes ratified the convention Hayvyn 1988, Palermo 2000 Merida 2003,

Valhaq government Hamnjmlh Islamic Republic of Iran to them, many Azdvllaws Radrkhsvs reverse Baraqamh reason ratified. Vlkn law Gzarmadrmadh a law against Bapvlshvy 1386 presumption of guilt Rabnabrdlayl legal principle of the presumption of innocence prior counted. About laundering book tradition profane verse Yarvayt that directly indicate that this crime Hmamndanchh Nzryhdvd famous crimes, murder, espionage diya is not found. In addition, iodine rule, rule Tslyt, Aslabahh, HP filed accuracy Svqm rule requires certain actions are taken permissible for transportation Vantqalhay.

### STATEMENT OF THE PROBLEM

**Bapvlshvy law Bapvlshvy ways of fighting international Vknvansyvnhay:** Money laundering by criminal gangs working for international Vmafayay widely Vdraghlb cases. Therefore, it is necessary to deal with criminal procedures (of punishment) and non-criminal (prevention) to be measured. The issue of Ira's anti-money laundering law in international Drmahdat consider as follows:

**Punishment:** Primarily in the international instruments discussed contracting states shall determine the punishment to fit the crime for which the penalty is left to consider, money laundering is an exception to the general rule and in this regard each contracting state in terms of domestic law, by taking heavily this crime, shall determine the appropriate punishment in 1988 Vienna convention on the parties in paragraph (a) of sub Article 3 of the four penalties including prison sentences depriving of liberty, fines and confiscation for money laundering offenders is emphasized in the convention Merida 2003 in paragraph 1 of Article 30 of the punishment fit the crime as well as in paragraph 1 of Article 11 of the Palermo convention emphasizes proportionality between the punishment and the crime is taken into consideration but the law's anti-money laundering penalties for perpetrators of all aspects forecast have fundamental objections to briefly refer to these deficiencies:

Steward punishment or complicit money laundering, proceeds of crime, punishment is determined by a quarter. This punishment seems disproportionate and ineffective. We know that the real crime is never discovered and confirmed cases are not equal because many times the real crime offenses are discovered and proven. The difference in the money laundering crime victim and the plaintiff has no direct doubled. This means that a small percentage of crime detection and prosecution of money laundering which even so, much because of the insufficiency of the evidence to reach a result. If a small percentage of that discovery, tracking and proof are so

poorly done deal and convicted offenders may never modified such a punishment would not be intimidated and are not punished (Leader, 2004).

Compared with the same offenses as the penalties are minimal: the all important financial crimes (such as fraud, theft, breach of trust, embezzlement, bribery, etc.), the punishment is imprisonment forecast, on the other hand the law drug prevention, in addition to severe punishment execution or long prison terms, confiscation of all property crimes (except for normal living costs for the family of the offender) is predicted clause 3 of Article 5 of the law and even for those of regulations the supreme council of the anti-money laundering administrative violation shall be punished according to the diagnosis of judicial and administrative authorities dismissed for 2-5 years but interms of its anti-money laundering lawin Iran, only a quarter of illegal punishment as fines, order is known has nothing to do with the same crimes. Even at international level, the drafters of the convention believed that the parties will certainly determine the sentence for this crime. Accordingly, it is recommended that the states parties to be more careful in granting parole pay.

Despite, the criticism and the fact that in 1382 the judiciary committee that was formed at the insistence of some lawyers from 6 months to 2 years in prison had been predicted but eventually mentioned in Article 9 of the fines for perpetrators of money laundering a quarter is anticipated proceeds of crime.

Iran's anti-money laundering law passed in 1386 only for individuals who commit money laundering are punishable trace to in Article 9 is predicted that the drafters of the law while in an attempt to natural persons also criminal responsibility distinguish valuable were but it's not just the responsibility of the partnership's assets and accrued fines were limited. Criminal liability for legal persons has had a law passed in 1386 but was ignored and not recognized. However that Articles 1 and 26 of the convention the force of law for approval of Palmv Mryda the interior is dedicated to the liability of legal persons.

One of the most important sanctions for money laundering in the convention discussed the confiscation of property. Confiscation of property laundered or sold in about cleansing is very important and therefore, special rules in this regards the conventionon the anticipated cooperation of governments expropriation and confiscation of property interests and eventually transfer the property to another country (country of transmission) given that the investigation, issuing and enforcement of the criminal provisions of the rule is clear, therefore, often must each sentence by courts the same government that issued it execute their courts. This can eventually cause prolongation of concealing his crime or property

confiscated provide benefits. The contracting states are required under the convention had been confiscated after receiving the request immediately to trace and identify the property or blocking them to take action for the next seizure.

Baydazafh that in most cases the benefits of the crimes committed, become another way to detect crimes committed prevent (purification) if the benefits of crime in general have become partial to another property, this property alternative would be confiscated.

In some cases, it may be legitimate interests of crime as well as property to be converted into another property. For example, bought real estate worth half a million dollars to three hundred million dollars of the benefits obtained from crime and two hundred million dollars of assets provided the person is legitimate to prevent crime detection and ultimately confiscated to be taken. The drafters of the Palermo convention in Article 12, paragraph 4 in the field have predicted that the fusion of the interests of the mass of the legitimate interests of the property, this property to the extent that the benefits of crime are evaluated, it will be confiscated. That is the example that we would be 60% of the confiscated property would be three hundred million dollars because of the price or value of the property securing the interests of crime.

Article 9 of the anti-money laundering provides that: perpetrators of the crime of money laundering in addition to returning proceeds or property derived from a crime to a fine at the rate of one-quarter of property derived from criminal activity can be convicted. The main problem on the record of this article is that concepts legislator, expropriation and restitution has been mixed while they each have their own meaning. Recording, a temporary ban object without expropriation of the owner, a part of the property. Confiscation, forcible removal of state-owned property permanently. The return of the material submitted by the accused or convicted property discovered or record legal ownership (Jabbari, 2009). The recording, no penalty aspects of property restitution has no criminal aspect to compensate for loss and loss from the property owner. Of course in notes 1 and 2 of Article 9 of the law of property and proceeds of crime recording spoken show that the legislature intended the term "Extradition Vvayl income derived from the crime" in the beginning of Article 9 of the confiscated property. A part from this objection in law to combat money laundering offense merely to say "Confiscation of assets of illicit origin or in the absence of such a price" Aktfa and Nyzchgvngy implementation of the seized property is unknown. The law explicitly what property mixed with the healthy properties of it is not be cause of the

transnational character of this crime are not considered, any international cooperation on confiscation unforeseen.

Fortunately firstly, clause 1 of Article 9 has appointed or changed if the revenue is converted into other property, the property will be seized. Secondly, in accordance with Article 12 "In cases where the government of the Islamic Republic of Iran and other countries of mutual legal assistance and information in the fight against money laundering is approved, work will be carried out in accordance with the terms of the agreement". According to the Merida convention by Iran in its fourth season of international cooperation such as extradition, transfer of convicts and mutual legal assistance, transfer of criminal records and cooperation to prevent and detect the transfer of proceeds of crime and cooperation in order to confiscation and restitution of property is developed, it can be concluded that Iran has the right and obligation to the international cooperation in money laundering is.

Iran's anti-money laundering legislation qualities, aggravating, mitigating punishment Vmafyt of silence passed and the sentence has not demonstrated they are a person committed repeated crimes of money laundering do or how we interact with it is not clear. Perhaps in such cases should be referred to for general penal code. But that was worthy of the legislator in the anti-money laundering Act specifies that these issues warrant for money laundering is a specific offense requires its own rules.

On offense, the punishment of origin if he do crime of money laundering in accordance with Article 9 of the anti-money laundering note 3 of the rule of collective punishment that is imposed in addition to the penalties for the offense committed, guilty of money laundering to the penalties provided for in the the law will be condemned.

## **PREVENTION**

Crime and violation of norms, values, customs, rules and procedures established by human beings, human beings and the step with human progress, science and technology and over time, more and more complicated, hence sent, to address and respond to the social problems, human communities, many years to apply the safety-oriented ideology in the form of suppressive measures honorably. But the results of the criminal response, reduce crime and increase crime it did not have and still continue to grow. Therefore, an increase of more than crime and illegal and criminal actions in the domestic and international aspects to the emergence of criminal diverse schools that each school in order to correct earlier and more effectively prevent and combat crime, strategies, approaches and adopted and presented ways.

With the emergence of new social defense by Marc Ansel French and Italian Gramatykay and influence of new ideas in the fight against crime, little by little, the traditional criminal justice and security-oriented ideology, the ideology of prevention and criminal justice to restorative and mediation Gary criminal data, so that in addition to repressive measures, measures to reform offenders and their return to the open leisured society was necessary. In the field of prevention of which the primary, secondary and tertiary discussed it is possible.

**Prevention of money laundering:** Today, criminology preventive, a branch of applied criminology whose object is to determine the most effective means for the prevention of crime on the scale of the whole society or a more limited population such as a city or an area of a city. Recognition of this branch of science, criminology is important because preventing crime, one of the most important issues of the world today.

Crime prevention, the scientific study of performance and features that may delinquency prevention at the national level, the city or the neighborhood. The criminology on the verge of committing a crime in order to frustrate and stop it to be Aqdammy. The international community fears the spread of drug trafficking networks and organized crime and laundering the proceeds of which go beyond the borders and even government institutions are increasingly endangering the efforts and cooperation between countries is required. Because today many countries have proven that with all his efforts alone, however, the punishment can not overcome this phenomenon and its victory in the fight against this global problem depends on the cooperation and the support of other the country in addition to punish, the need for preventive measures together. Although, the commitment of countries to work together is not the same as the national interest prevents strengthen international efforts. However, the governmen's cooperation with each other in the field of prevention, international strategic necessity no government can deny it (Leader and Myrzavnd, 2006).

Prevention of crime and ways of studying such a goal is a branch of criminology that is of interest to scholars and statesmen. Prevention concept has two dimensions: prevent or avoid it means "forestall, prevent overtaking and have something" and also means "alert, aware and alert of what is". But in criminology preventive treatment used in the first meaning that is using different techniques in order to prevent crime to prevent crime go and stay ahead of crime prevention but scientific opinion is a logical concept experimental at the same time rational and empirical observations comes from the reflections

(Abbasi, 2013 ). Different definitions of "prevention" is presented as just another case of Mr. Gsn we Aktfa prevention includes all measures except Jnayy-policy measures Kyfry-system the exclusive purpose or at least part of it, limiting the possibility of total through possible criminal action, the more difficult or less likely it is. Total non-criminal nature and preventive measures for prevention of non-specific prevention and criminal penalties, prevention means strict is not.

**Prevention the crime of money laundering:** Common prevention from one side to prevent the three stages of primary prevention, secondary prevention and tertiary prevention model inspired by the traditional medical establishment and has been separated. Of course, the content of primary and secondary prevention of a social and sometimes a situation can be prevented.

**Primary prevention:** Primary prevention (first) include actions which tend to change the conditions and circumstances of the crime causing the physical environment and the social environment (i.e., improvement of living conditions).

**Secondary prevention:** Secondary prevention (second) include preventive measures which relates to crimes committed by members of particular groups that fear it goes. In other words, the recipient of this action, a group or a specific population such as children or the poor slums and poor (i.e., modification of social structures and institutions), the municipal or city council decisions and activities organized and self-motivated people are employed in this context.

**Tertiary prevention:** Prevent third (third) actually refers to the prevention of recidivism through individual actions and adaptation measures in this old offenders.

Asked how factors crime destroyed, partly depends on what we know that causes offense. According to a review of economic and social development can only be considered effective preventative measures such as economic and social roots of criminal phenomena. The second theory involves crime prevention and mental development knows the actual or potential criminals, because crime always comes from the person. The third theory on the adjustment of both the community and the physical condition further emphasizes that measures adopted and implemented in the world today are based on the third approach.

Some writers prevention of mass distribution also means citizens have taken part of the responsibility to protect national security with respect to the holding of the

citizens and their active role in crime prevention and control policies, some the researchers of the measures, the strategy of the “responsibility to” have called. Tertiary prevention based on clinical criminology, modification and preventive treatment programs for offenders steps apply (Islands, 2010).

### **PREVENTION OF INTERNATIONAL TREATIES AND COMPARED WITH ANTI-MONEY LAUNDERING LAW IN IRAN**

Prevention of money laundering in the convention of Vienna, Palermo, Merida and Iran’s anti-money laundering law is as follows.

#### **Prevention in international treaties**

**International convention for Palermo:** Palermo convention, the criminalization of money laundering forecasts and recommendations to member states (Article 6) as well as preventive measures to combat organized crime (Article 31) in the context of laundering the proceeds of crime covered by the convention on the fight against crime, in adopt measures to prevent and combat it, in particular the efforts deployed to prevent crime and Article 7, respectively.

Thus, in order to prevent the crime, in addition to the anticipated general preventive measures by member states, specific preventive measures against this crime and necessary for and this is suggested by the convention and its recommendations to the member states, shows given the importance of this crime and the international community it is because the crime as a result of committing other crimes to be born, so if the crime very seriously and take actions to prevent it done of course, the other crimes such as drug trafficking, the need for laundering the proceeds of it dropped from resorting to crime and other perpetrators of the front and main refrain. Hence, this is the fight against crime money laundering measures and repressive security-oriented and Bazprvanh Pshgyranh and ideologies can be guilty of the crime that preceded the former it is to prevent and reduce crime rates and crime also declined and as a result of repeat c main priority. In this regard, the Rome also prevent specific prevention (Article 7) for money laundering and preventive measures for all crimes subject to this convention (Article 31) discussed. Convention, the government of member requires that the full set of rules for banking institutions and non-banking institutions and other supporters who are likely to be cleansed attempt to identify and deterrence of all forms of purification cares.

Under section (a) of paragraph 1 of Article 7 of the convention: “Each state party shall in its jurisdiction

where it considers suitable internal regulatory system for banks and financial institutions and non-bank full legislative and other institutions that may laundering money through their is in order to detect and deter all forms of money laundering adopt. It should be provisions for customer identification, record and report suspicious transactions emphasizes.”

Given that organized crime gangs, in order to wash the benefits of this crime, before any technique to process the proceeds in the legitimate economy, the use of banks and transferring it via these banks to carry out legitimate economic systems, so in response to this to avoid their influence and revenues flowing from their first necessary step considering and drafting regulations for the institutions to achieve these objectives is.

First, it seems that developing and adopting such a regulation for the bodies of contradiction and conflict with the accepted rules of banking secrecy (which cause citizens’ confidence in the institutions is to invest through) but the need to adopt such measures in order to prevent these crimes which often cooperate with transnational organized criminal groups and gangs, sync and we along, takes place in several countries, the principle preferable and cooperation of countries in the formulation and implementation of these regulations and after internationally, more and more are needed.

Council of Europe, the first international organization in 1980 on the recommendation of a Committee of Ministers, meanwhile, warning the international community about the dangers of this crime against democracy and rule of law, the banking system as a tool that can be preventative role it plays great and said that the police and judicial authorities in banks can help combat criminal acts and to identify all individuals who cooperate with the institutions Dardnd, along with other measures to be effective and their efficient role.

The convention also with respect to the objectives mentioned in paragraph 6 of Article 12, would cooperate with banks and non-bank financial institutions with regard to the principle of banking secrecy provides that for the purposes of this study and Article 13 of the convention, each state party to the court their authority or other competent authority or the seizure of documents providing banking, financial or commercial will. Member states can not refuse to excuse banking secrets of the implementation of the provisions of this paragraph.

The realization and implementation of paragraph 1 of Article 7 of the convention in France to detect the object in banks and credit institutions, administrative institution that stands for the “Trakfrn” is under the Ministry of Finance works in all central offices of banks and branches of an agency whose task is to control the amount of

transactions of a particular ballast, so that as soon as the operation or suspicious transfers are imported and the amount was higher, the origin of the money for research if evidence does suggest purification immediately and simultaneously notify the Ministry of Finance through the ministry, prosecutors and the judicial police will be informed can be seen therefore that such regulations element of collusion deterrent for customers and employees to prevent money laundering is the discovery that on the one hand and on the other hand, prevention of the crime takes place. Under section (b) of paragraph 1 of Article mentioned, each state party shall, without prejudice to Article 18 and 27 of the convention, ensure that administrative authorities, administrative, regulatory and other officials engaged in the fight against money laundering (if the internal law allowing the judicial authorities, too) to cooperate and exchange information at the national and international levels in terms of their domestic laws. In order to have a financial intelligence unit as a national center for the collection, analysis and transmission of information regarding potential money laundering create.

The establishment of a financial intelligence unit as a national center in each country to gather, analyze and transmit information about potential money laundering and information exchange among countries, especially, the countries of the convention, according to transnational organized crime that often, components that are happening in several countries or those who reside in different countries or settled, very effective in the fight against and prevention of laundering the proceeds of which will be as in the washing of the proceeds of these crimes, criminals have a way especially domestic legal and legitimate economic system and resort to any means in the laundering of the proceeds of the flow of financial and monetary system of law must pass the legal system. So, if the leverage SQL regulatory, administrative, police and law enforcement officers as well as teaching and administrative staff, executive and judicial review of practices and procedures that criminals would resort complex with the creation of an institution for and tips for agents and leverage these for sure, the perpetrators of these crimes because of worries that because they are afraid of leaks in case of criminal acts in their attempt to create at least lower than pre-illegal acts engage and thereby reduce crime and criminal money laundering on the one hand and the limitation of the original crimes and the front and build this institution it seems, now, a strategy and approach that effective preventative role in the fight against crime money laundering and organized crime as well as all subsequent plays. The positive outcome of the international community and will not be covered.

Paragraph 2 of Article 7 of poems that “Member states shall implement measures to detect and monitor the possible transfer of cash and financial instruments appropriate to examine its borders, provided that ensure the proper use of information and transfer of funds not to hinder any legitimate. Such measures should include provisions by which individuals and businesses, transfer a large amount of cash and financial documents due to report its borders.”

It seems that this clause by requiring countries to implement possible measures to detect and monitor the transfer of cash and negotiable instruments as appropriate, its borders and measures by which the persons transfer of the said report, criminal policy a partnership in which persons (natural or legal) if significant amounts of cash that make them suspect to the crime and subsequent illegal acts, the report to the competent authorities. It does so by developing fear for those who caused that in addition to government officials and the judiciary and police, leverage public and persons (natural or legal) as well as the provisions foreseen in this paragraph if they are Anham illegal activities, reported to the competent authorities and to what is expected, they are caught. In view of the fact that the self-report or report such acts of peoples and individuals of this crime and laundering proceeds with negligence and tolerance among individuals and the community it seems to be a the media and the consciousness of people of this crime and the risks of the economy and ultimately to human society, report such illegal acts as a value and culture in the community to implement the above-mentioned issues can be expected.

Paragraph 3 of this Article, states parties to take advantage of appropriate initiatives of regional, inter-regional and multilateral cooperation in the form of a regulation or directive against money laundering in order to create a regulatory regime and domestic legislative framework on the basis of this study and without prejudice to other materials conventions encouraged.

In addition to measures that member states and non-banking financial institutions and other entities that are susceptible to money laundering invited, the convention proposes that the member states in their divisions as well as appropriate regulations to preventing and combating crime, however, in the form of regulations or guidelines that looks purpose of such act, fight and prevention of this crime on a large scale and everywhere is because all the member states of neighborhoods, cities and state, mobilize and participate in the fight against money laundering and keep up with each other by monitoring the activities of the society, in the promotion and advancement of the community, a neighborhood,

district, state, finally healthy state, prosperous and advanced economy and restore public order in the executive, judicial and police to play their role.

In this regard, paragraph 4 of the Article, the contracting states to enhance and encourage cooperation regional, inter-regional, bilateral and international judicial officials, administrative and financial oversight is required in order to combat money laundering.

**Convention Merida:** Overcome the phenomenon of globalization and facilitate exchanges and cross-border connections to the spread of transnational organized crime and the fact that not only proved that no state is immune from disasters but because of the complex and cross-border organized that no government can alone to confront and destroy their networks. In the past, the only known transnational crimes were prosecuted but in the early 90s, society has realized the importance and risks of traditional crimes has placed them among the transnational, so that even the existence and political independence of the state are also threatened.

Given the transnational character of organized crime such as money laundering, it is necessary to deal with these transnational crimes within and between criminal and non-criminal in several states. As a result, the international cooperation border easily cross the border and stay protected from prosecution and punishment. So, many countries to multilateral treaty government to work together to prevent, detect and prosecute these crimes and various aspects of it in various documents such as the annual congress of the five United Nations crime prevention and criminal reform have been discussed and developed in line with the Palermo convention, much debate about financial corruption and whispers independent development of prevention and anti-corruption conventions in force and in this regard the adoption of the 2003 Merida convention and in Articles 14 and 52 members of the convention, entitled "Measures to Prevent Money Laundering "And" to Prevent and Detect the Transfer of Proceeds of Crime" each state party is required to have a comprehensive legal and regulatory regime of bank and non-bank financial institutions in the country to build up to the natural or legal persons official or non-official services transfer money or securities offer and where appropriate, other persons suspected of money laundering within its jurisdiction to prevent and detect all forms of money laundering and according to customer requirements and determine the beneficial owner to report suspicious transactions. And other methods of prevention of money laundering in the different clauses of the convention states that in terms of our interest to attract them.

**Iran's anti-money laundering prevention law:** Due to the harmful consequences of the crime of money laundering seems to prevent this crime in its huge profits to the community and prevent many losses. This crime has specific characteristics and it also requires special measures to prevent some of which are discussed in international conventions and now of preventing money laundering in Iran's anti-money laundering law is examined it is unclear to what extent Iran's anti-money laundering law is in accordance with international matches.

**Amendment of banking secrecy rule:** Use one of the conventional banking system for money laundering offense. On the other hand, the principle of banking secrecy is common among banks to prevent the discovery of the crime. This principle should be the international conventions and the public interest and the consequences of crime will be reduced correction somehow this rule would not occur and a general distrust in the banking system and money launderers can not easily their illegal acts. Therefore, in Article 5 of the anti-money laundering all legal entities, including the Central Bank of the Islamic Republic of Iran, banks, financial and credit institutions, insurance companies, central insurance, loan funds, foundations and charities and municipalities are required in accordance with regulations adopted by the council of ministers in the implementation of anti-money laundering law in Article 7 of the law cooperate and provide information, reports, documents related to the money laundering law to the Supreme Council for combating money laundering and to report suspicious transactions the competent authority that the Supreme Council is determined to combat money laundering has been predicted but as we know, the principle of banking secrecy should only be done in order to combat money laundering and predicate offenses, so take advantage of this and disclosure and use of to win or else directly or indirectly by government officials or other persons in accordance with Article 8 of the law are prohibited and punishable under the Penal Code to combat money laundering of fending publication and disclosure of confidential and secret government documents adopted sentenced 29/11/1353 was. But the important point is that the principle of banking secrecy and authentication client adjustment in accordance with Article 7 of the convention of Palermo should be done by law but Iran is a state of law enforcement in accordance with regulations made that is contrary to combat money laundering of international instruments and the constitution Islamic Republic of Iran which is discussed in detail in place.

**Strengthen the levers of control and monitoring:** Detailed rules as necessary to combat crime but not enough. Law

enforcement is to be true for any kind of crime. If the levers of control and oversight for the implementation of anti-money laundering law is not the same challenges and problems in the fight against smuggling, drug trafficking, corruption, financial and economic crimes is facing and will face the might of the law abused and backfire. Hence, the law's anti-money laundering monitoring and control lever is ambiguous.

**Reform banking regulation and supervision of financial institutions and central banks on credit:** In this regard, the following can be noted that some of them mentioned in the law to combat money laundering and other related regulations in accordance with international instruments must be considered to be common the law:

- Identify the customer: banks and financial institutions are required to establish the identity of clients and offering fake documents such as birth certificates and other identification papers to prevent fraudulent, since money launderers to escape the clutches of the law to acts against unions are always the unknown identity them. It should also be noted that the agent or lawyer
- Benchmarking for opening a bank account
- Determine the criteria for the issuance of bank transfers
- To report suspicious transactions: of course, in order to prevent abuses and irregularities and to prevent disruption of everyday people, it is precisely defined by law suspicious banking operations and bank employees realized
- Determine the criteria for the issuance and Tjvyl Czech people
- Determine the criteria for the issuance of bank guarantees

In all cases where benchmarking, referred to measures to combat money laundering crime is to prevent it, because the current criteria that banks are following it for the bank account opened and the Czech and allows multiple people for it is not enough.

**International cooperation to combat money laundering and use of the experiences of other countries:** We know that Iran is at the beginning of the fight against money laundering and get enough experience in this struggle is necessary. For this reason, using the experiences of countries that have struggled for years with this crime is necessary and beneficial results are achieved, we were told that some of the foreign origin of the money laundering offense, the dirty and illegal money from abroad injected into Iran's that international cooperation

to combat money laundering is very important. But contracts between Iran and other countries in line with the international obligations concerning the prevention of money laundering phenomenon can be seen low.

**Adjustment reverse the presumption of innocence and the burden of alleged:** As you know, the presumption of innocence is one of the principles of criminal law and the international conventions it has been emphasized as well as alleged by the plaintiff that the defendant's rights of defense and as the presumption of innocence as fight against money laundering challenges faced and if considered to be strict incases of serious crime, money laundering detection is impossible or difficult for the benefit of the public interest and caused a flight of money launderers to justice as the benefit of the latest achievements of the money laundering human science and technology and try to circumvent the law on the principles of presumption of innocence and the burden of proof of claim filed hide, so the international conventions on the presumption of innocence and the burden of adjustment because of the emphasis has been filed, the same thing as "whence" is raised. Article 142 of the constitution of the assets of the leader, the president, vice presidents, ministers and wife and their children before and after the service has been so, unjustly dealt with by the head of the judiciary has not risen to the finance officials Bashd.rsydgy above which are the highest authorities, against the presumption of innocence, because the assumption is that they have achieved their property unjustly. The same can also be used for other citizens, so those who have a weak financial ability and his life history also shows, once had a lot of wealth and property in a bank account and the substantial sums deposit; in this case, he must prove that the property has received what way and check it does not conflict with the presumption of innocence (Sahraeian, 2005) amendment of the presumption of innocence and reverses the burden of the reasons could be a prevention is the phenomenon of money laundering.

Evaluation of anti-money laundering law with Article 1 of conflict with Article 12 of the Palermo convention and the presumption of culpability on the principle of presumption of innocence principle unadjusted sign in the front for money laundering phenomenon that has not been the practice arguments against the legal rules no harm, Tslyt, iodine, other current accuracy, lead Vmmnvyt invade the privacy of individuals.

**Need to record transactions and benchmarking for record companies:** Placement, layering and integration for multiple transactions and money laundering is likely to be



repeated and as the various institutions and companies as formal and legal registration of transactions is not compulsory, anyone can easily with the sums little attempt to record multiple front companies and other venture, you can prevent the crime of money laundering. Something that in Article 6 of the anti-money laundering Act, namely to provide the information required by notaries public, lawyers, auditors, accountants, legal experts and inspectors of the Supreme Council of Justice does not seem sufficient to combat money laundering, because this group of natural and legal persons who are required to report the information required in the field of money laundering, regardless of whether the law enforcement not set for this task more like a moral advice to the legal requirement to report suspicious transactions information that is required Ashayn this is the person with the condition that certain criteria are recorded and can not obtain enough information to report. In 1386, however, can be seen in the anti-money laundering strategies to prevent the mass of the social or what triple well not consider cases that can be seen as incomplete which should also be amended.

### **CONCLUSION**

Money laundering, throughout human history but because there is a phenomenon of the 20th century and is a consequence of the global village and globalization in this century has been the domain of criminal law. In this study challenges the substantive law, the fight against Iran was investigated money laundering, international treaties and criminalization issues and ways to tackle the phenomenon of money laundering, according to international treaties of Vienna, Palermo Vmryda were studied and it was compared Iran's anti-money laundering law and according to the research question the criminalization of money laundering in the jurisprudence on Iran? It can not be concluded that the law was specific to the definition of money laundering but the secondary rulings and judgments which have been obtained indicating emergency and money laundering with respect. In addition, the public from the sanctity of the void Eccles and respect for help on Asm is prohibited and is punishable by death committed and the punishment shall be prohibited.

Article 49 of the amended Article 5 of the implementation of Article 49 BC.A.j usually argue as well as Article 28 of regulation Act of 27.3.1358 and Article 622 of Islamic Penal Law courts and prosecutor's offices in revolution the primary manifestations of money

laundering, Iranian law which are not self-sufficient and we need the community's anti-money laundering law to meet the law they do not.

In the early manifestations of money laundering in Iran, the prospect of fighting money laundering is illegal in Islam there are imams, especially Imam Ali (AS) collided with it strongly and decisively and the property returned to its origin.

In response to the question of whether the anti-money laundering legislation with international treaties mentioned above are in conflict with Iran or not? The investigation revealed Iran's anti-money laundering legislation in terms of crime and Kyfrgzy in accordance with international treaties are not moving because Article 3 of the Vienna convention, the Palermo convention, Article 6 and 8 of the convention Merida property suspected Vmahdat given its constituent elements have been considered a crime under the law of Iran's anti-money laundering law is based on the property and suspicious transactions because it believes the evidence and arguments not criminalize money laundering law on the criminalization, research and the discovery of the crime, conflicts with the legal rules and legal seen. Including conflict with the rule, Tslyt, iodine, lead, accuracy act otherwise, the prohibition of invasion of privacy of individuals and the presumption of innocence is evident but carefully at the evidence and the definition of money laundering and the mandate and indicating the urgency of the secondary rules the certificate or the public, respect it can be used with an eye to the interests of the Muslim community to resolve this conflict, Iran's anti-money laundering law passed in 1386 but this model is not a crime. And the threat of crime control, crime of money laundering to determine the origin of mass, the difference between the income to property resulting from crime, forms of crime (company vice president) and the criminal responsibility of legal persons who engage in money laundering anti-money laundering act of the convention there are apparent contradictions or no judgment. For example, the predicate offenses specified in the treaty with a specific purpose and the purpose of it is committing a crime that macro-economic and political of the people, the government disrupts after be crime, it is of money laundering no revenues from small petty crimes but in Article 3 of the anti-money laundering origin of the concept of crime is not known. Thus, the last-mentioned Article 3 of the money laundering income from stealing a bread sandwich will also be subject to money laundering crimes that violate international treaties mentioned purpose. In a variety of criminal and

non-criminal reactions Iran's anti-money laundering law is weak because the convention on the diversity basket penalties such as imprisonment types such as short-term, long-term Vkhany, fine, penalty, social (community), deprivation of rights social and emphasized the anti-money laundering act of self-punishment in Article 9 to include Vanhm fine proportional to the mass of any of these aspects have been negligible and no inhibition.

Iranian criminal law to resolve conflicts between the law of treaties, these challenges have been adjusted for the rule of law in modern criminal law does not use the correct legal documentation and without resort to the laws and the law of laws positions Grdydhv the executive attempted of series of ultra-legislative acts which include: the criminalization of legislation to criminalize regulations, the draft Penal Codes of criminal law has referred the legal permissibility of the permissibility regulations, the laws and regulations of the security measures research from judicial to administrative investigation of this case is contrary to Article 36 of the constitution and by 1.1 c Administrative Justice Court falsifiable.

## REFERENCES

- Abbasi, M.R., 2013. Money laundering in Iran. *Asian J. Inf. Technol.*, 20: 13-35.
- Bagherzadeh, A.J., 2005. Collaboration with the new year, economic crime and money laundering international organization against corruption. *Asian J. Inf. Technol.*, 12: 35-62.
- Islands, M., 2010. Money laundering and financial institutions. *Banking Instit. Iran*, 10: 106-124.
- Jabbari, M., 2009. Species, money laundering and the effects on the economy. *Asian J. Inf. Technol.*, 56: 12-28.
- Leader, F. and F. Myrzavnd, 2006. Money laundering and ways to deal with it. *Asian J. Inf. Technol.*, 16: 56-87.
- Leader, F.G., 2004. Albino pour Fazlullah Myrzavnd, definitions, concepts, effects of money laundering. *Council Res.*, 37: 25-53.
- Sahraeian, M., 2005. Money laundering in Iran. *Asian J. Inf. Technol.*, 5: 125-142.