



## Commission on Crime Prevention and Criminal Justice

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### Resolution 04 (2005)

Adopted by the General Assembly at its 11<sup>th</sup> meeting, on 11 August 2005

*The Commission on Crime Prevention and Criminal Justice,*

*Bearing in mind* that money laundering and the link to financing terrorism is one of the greatest threats the international community is facing,

*Recognizing* money laundering as one of the major sources of assistance for terrorism,

*Realizing* that measures taken within the national level are not sufficient enough, and that cooperation between countries is crucial to fight the global problem of money laundering and financing terrorism,

*Stressing* that only cooperation between member states can help combat money laundering and financing terrorism,

*Noting* with appreciation the achievements of the member states in successful combat against money laundering and financing terrorism,

*Emphasizing* that combating money laundering must be based on international cooperation with special attention to the UN structures,

*Bearing in mind* that globalization and modern technology enables terrorist organizations to work on a world wide scale,

*Recognizing* the fact that the aforementioned endangers the stability of democracies and is in contradiction to generally accepted moral values in free societies,

*Aiming* to fulfil the recommendations and proposals of the report of the CCPCJ presented to the Economic and Social Council (E/CN.15.2004/8),

1. *Recommends* that terrorist financing should become a permanent agenda item of the G8 and a permanent part of agenda of all regional organizations as appropriate, such as ASEAN (Association of Southeast Asian Nations), APEC (Asian-Pacific-Economic Cooperation), and the US-SADC (Southern African Development Community), and EAG (European Asian Group against money laundering and terrorist financing) amongst others;

2. *Recommends* denying further sponsorship, support and sanctuary to terrorists by ensuring all states to accept their responsibilities to take action against these international threats within their sovereign territory;

3. *Understands* the wording “Criminal Organizations” as mentioned in previous UN conventions. Proposes the mentioned definitions to be read preferably in the larger context of: terrorism, drug-trafficking, human-trafficking, arms-trafficking, as well as smuggling of precious goods;

4. *Requests* countries to acknowledge that money laundering and acts linked to it, is closely linked to corruption because criminal organizations depend on a lack of transparency and vigilance in the financial sector;

5. *Recognizes* the links between different forms of crime in order to increase a synergy in the delivery of technical assistance;

6. *Understands* that these criminal organizations are using national and international financial institutions against the public order e.g. banks / credit systems, cyber crime, bureaux de change, charities / funds, alternative remittance systems like hawala, electronic money systems and the trading of precious stones and metals. The following paragraphs are applicable on the criminal abuse of the aforementioned financial systems;

7. *Recommends* that providers of alternative remittance systems and hawaladars keep bookings and records about the activity of their clients and participants;

8. *Recommends* that money laundering should be read as: “Conducts / Acts designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of money to avoid a transaction reporting requirements under states or federal law or to disguise the fact that the money was acquired by illegal means.”;

9. *Recommends* the establishing of “AMLA” (Anti Money Laundering Agencies) on a national level where not already established and implemented. These agencies should be staffed by public officers, having the same authority as the public officers of the national tax authorities in each respective country;

10. *Recommends* that AMLA collects information with respect to suspect financial transactions on the basis of information that is to be provided by private banking companies to the national central banking authority;

11. *Further recommends* the creation of advisory panels for geographical regions and legal systems to review legislative solutions and provide specific input to fight money laundering and terrorism;

12. *Recommends* that national agencies report regularly to the GPML (Global Programme against Money Laundering). GPML will collect information provided by AMLA with respect to suspect financial transactions. In this respect GPML will also work closely together with international law enforcement agencies e.g. Interpol;

13. *Recommends* the adoption of regulations imposing on financial institutions the obligation to report promptly to the competent authorities mentioned in subparagraphs 7, 8, 9. All complex, unusually large transactions exceeding a threshold of 30.000 USD, which have no apparent economic or obviously lawful purpose, without fear of assuming criminal or civil liability for the breach of any restriction or disclosure of information if they report their suspicion in good faith;

14. *Recommends* the criminalization of money laundering in all national legislations whether or not this laundering is linked to other criminal activities;

15. *Suggests* that funds directed to provide training and expertise to foreign governments to combat terrorist financing, should be centralized and then distributed to

appropriate providers with priorities established by an inter agency process such as the World Bank;

16. *Encourages* all governments to work with the private and non-governmental organization sectors to create global white lists of financial institutions and charities that regardless of the legal environment in their home jurisdiction, commits to the highest due diligence, anti money laundering and anti terrorist financing procedures and add them to the FATF watch list agree to a system of external assessments of compliance. Inclusion on this list, could be a factor taken into consideration by the World Bank, the IMF and other international financial institutions in considering which financial institutions to work with.