

## Table of Contents

<b>Acknowledgements.....</b>	ii
<b>Abstract.....</b>	iii
<b>Table of Contents.....</b>	iv
<b>List of Abbreviations.....</b>	ix

<b>1                  Chapter 1 Introduction.....</b>	1
1.0              Introduction and Context.....	1
1.1              Background.....	4
1.2              What is terrorist financing and why the need for an internationally coordinated response?.....	7
1.3              The legislative response to the financing of terrorism.....	9
1.4              The impact of counter terrorist financing legislation upon the Right to a Fair Trial.....	16
1.5              Rationale.....	20
1.5.1            Why the U.S?.....	20
1.5.2            Why the U.K?.....	21
1.5.3.            Why Canada?.....	22
1.6              Contents Overview.....	23
<b>2                  Chapter 2 Methodology and Literature Review.....</b>	26
2.0              Introduction.....	26
2.1              Research aims and objectives.....	26
2.2              Selected Methodology.....	27
2.2.2            Documentary Evidence.....	29
2.2.3            Comparative Research.....	32
2.2.4            Socio Legal Research.....	37
2.3              Literature Review.....	39

2.3.1	Central Themes.....	40
2.3.1.1	The prevention and detection of the financing of terrorism.....	40
2.3.1.2	The importance of an internationally coordinated response to counter terrorism and the lack of a definition of terrorism.....	44
2.3.1.3	The impact of counter terrorism legislation on human rights.....	49
2.4	Conclusion.....	63
<b>3.</b>	<b>Chapter 3 Counter Terrorist Financing: The International Policy.....</b>	<b>65</b>
3.0	Introduction.....	65
3.1	September 11 2001.....	67
3.2	A legislative shift from money laundering to terrorist financing.....	70
3.3	The financial war on terrorism.....	71
3.4	United Nations.....	84
3.5	European Union.....	87
3.6	The Financial Action Task Force.....	91
3.7	Human rights and the financial war on terrorism.....	94
3.8	Derogation from human rights.....	102
3.9	United States.....	105
3.10	United Kingdom.....	108
3.11	Canada.....	112
3.12	Conclusion.....	116
<b>4</b>	<b>Chapter 4 United States.....</b>	<b>118</b>
4.0	Introduction.....	118
4.1	Pre September 2001.....	119
4.2	U.S. Counter Terrorist Finance Policy.....	123
4.2.1	Criminalisation of terrorist financing.....	124
4.2.2	Asset freezing.....	124

4.2.2.1	Presidential Executive Order 13,224.....	125
4.2.3	Reporting requirements.....	130
4.3	The impact of counter terrorist finance legislation on human rights obligations.....	135
4.3.1	Right to a Public Trial.....	137
4.4.	Targeting of charities.....	147
4.5	Derogation from human rights.....	155
4.6	Conclusion.....	159
<b>5</b>	<b>Chapter 5 United Kingdom.....</b>	<b>161</b>
5.0	Introduction.....	161
5.1	Pre September 2001.....	162
5.2	U.K. Counter Terrorist Finance Strategy.....	165
5.2.1	Criminalisation of terrorist financing.....	166
5.2.1.1	Terrorism Act 2000.....	166
5.2.2	The freezing of assets.....	170
5.2.2.1	Anti-terrorism, Crime and Security Act 2001.....	170
5.2.2.2	The Terrorist Asset Freezing Act 2010.....	177
5.2.2.3	Counter Terrorism Act 2008.....	179
5.2.3	Reporting requirements.....	181
5.3	The impact of counter terrorist finance legislation on human rights obligations.....	186
5.3.1	Right to a Fair Trial.....	187
5.4	Derogation from human rights.....	298
5.5	Conclusion.....	201

<b>6</b>	<b>Chapter 6 Canada.....</b>	203
6.0	Introduction.....	205
6.1	Pre September 2001.....	205
6.2	Canadian Counter Terrorist Finance Policy.....	210
6.2.1	Criminalisation of Terrorist Financing.....	212
6.2.1.1	Anti Terrorism Act 2001.....	214
6.2.2	Asset Freezing.....	222
6.2.3	Reporting Requirements.....	230
6.3.1	The Impact of Counter Terrorist Finance Legislation on Human Rights Obligations.....	235
6.3.1.2	Right to Trial by Jury.....	237
6.3.2.	Derogation From and Limitation of Human Rights.....	241
6.3.3	Conclusion.....	244
<b>7</b>	<b>Chapter 7 Conclusion and Recommendations.....</b>	247
7.0	Introduction.....	247
7.1	Research aims.....	248
7.1.1	The evolution of international counter terrorist financing legislation.....	249
7.1.2	The legislative responses of the U.S, U.K, and Canada to the events of September 11th 2001- A three pronged strategy.....	252
7.1.2.1	United States.....	252
7.1.2.2	United Kingdom.....	256
7.1.2.3	Canada.....	260
7.2.	The importance of the ‘financial war on terrorism’ to the prevention of terrorism.....	263
7.1.3	The common policy adopted by the three jurisdictions and the importance of a unified response.....	265
7.1.4	The negative impact of Counter terrorist financing measures	

on the right to a fair trial.....	266
7.2 Conclusion and Recommendations.....	268
<b>Bibliography.....</b>	<b>271</b>

## List of Abbreviations

AML	Anti-Money Laundering
CTF	Counter-Terrorist Financing
CTR	Currency Transaction Reports
GA	General Assembly United Nations
FATF	Financial Action Task Force
FINTRAC	The Financial Transactions and Reports Analysis Centre of Canada
FSA	Financial Services Authority
FTO	Foreign Terrorist Organisation
HRNC	High Risk and Non Cooperative Jurisdictions
IEEPA	International Emergency Economic Powers Act
JMLSG	Joint Money Laundering Steering Group
ML	Money Laundering
MLR	Money Laundering Regulations
MS	Member State
NCA	National Crime Agency
NTFIU	National Terrorist Financial Investigation Unit
NPO	Non-Profit Organisations
OECD	Organisation for Economic Cooperation and Development
OFAC	Office of Foreign Assets Control
ONS	Office National Statistics
SAR	Suspicious Activity Reports
SC	Security Council (United Nations)
SDT	Specially Designated Terrorist
STR	Suspicious Transaction Reports

SOCA	Serious Organised Crime Agency
TF	Terrorist Finance
TFTP	Terrorist Finance Tracking Programme
UN	United Nations
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution