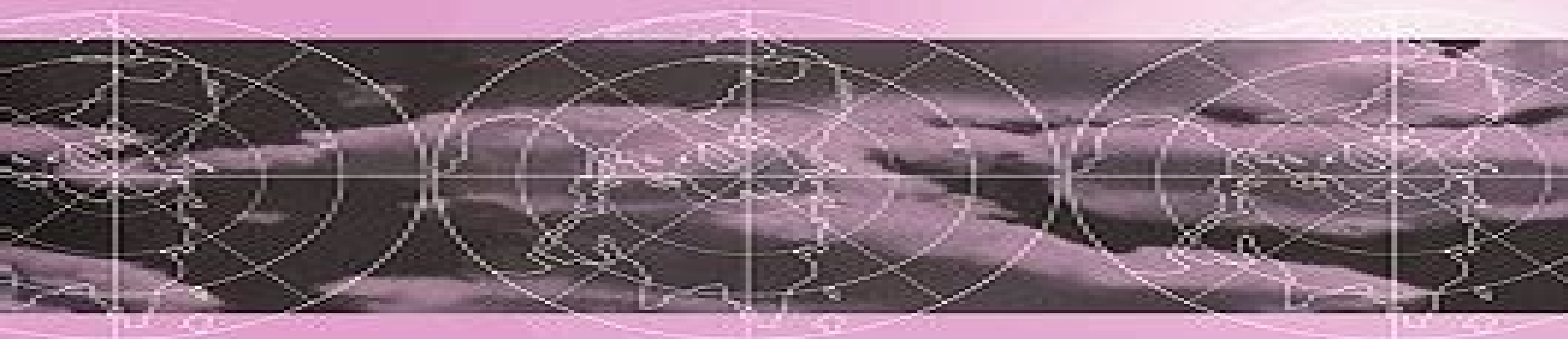




CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

# **Money Laundering**

## **A New International Law Enforcement Model**



GUY STESSENS

# Money Laundering A New International Law Enforcement Model

**Ugo Pagallo**



## **Money Laundering A New International Law Enforcement Model:**

**Money Laundering** Guy Stessens, 2000-08-31 This book gives a broad analysis of the legal issues raised by the international fight against money laundering. It offers an extensive comparative research of the criminal and preventive law aspects from an international perspective. Stessens portrays money laundering as a new criminal trend threatening both national and international societies which must be addressed multilaterally through banking practice, international conventions and human rights. Most of this volume is devoted to specific legal problems that spring from the international nature of the money laundering phenomenon. It contains a most detailed overview on the rules and practices of international co-operation in the fight against money laundering. The publication gives a thorough examination of the exchange of information, lifting banking secrecy and seizing and confiscating assets as well as the jurisdictional questions that inevitably arise in this context. The result is a rich and detailed study of international and comparative law. *Money Laundering Law*

Peter Alldridge, 2003-01-14 In the past twenty years action in respect of the profits of crime has moved rapidly up the criminal justice agenda. Not only may confiscation orders be made but there are also now serious substantive criminal offences of laundering the proceeds of crime. Moreover the consequences of the regulatory regimes put in place by the Money Laundering Regulations 1993 and the Financial Services Authority are very significant. This book examines critically the history, theory and practice of all these developments culminating in the Proceeds of Crime Act 2002 which marks another step in the move towards greater concentration both on the financial aspects of crime and on the internationalisation of criminal law. The Act puts in place the Assets Recovery Agency which will be central to the strategy of targeting criminal monies and will have power to bring forfeiture proceedings without a prior criminal conviction and to raise assessments to taxation. The author subjects the law of laundering, especially the novel aspects of the Proceeds of Crime Act itself to thorough analysis and a human rights audit.

Contents: Introduction; The Economics of Money Laundering; Theory; Justifications for Forfeiture; Confiscation and Criminalisation; History of Forfeiture and Confiscation Provisions; The International Dimension; Forfeiture Provisions; Statutory Confiscation Provisions; Investigatory Powers; Beyond Confiscation; Criminalisation; Acquisition and Deployment of Money for Terrorism; Confiscation without Conviction; Civil Recovery; Money Laundering and the Professions. *Rethinking Money Laundering & Financing of Terrorism in International Law*

Roberto Durrieu, 2013-05-16 In *Rethinking Money Laundering: Financing of Terrorism in International Law Towards a New Global Legal Order* Roberto Durrieu provides a broad and original analysis of the phenomenon of money laundering through a thorough examination of the financing of terrorism. The necessity of excluding the financing of terrorism from the legal definition of money laundering is clearly illustrated through extensive original and comparative research. In addition the book advocates the recognition of money laundering as an international crime *strictu sensu* that can be tried by a special international tribunal. The hidden, mutable, complex and global nature of the crime must be addressed multilaterally through a new integrated and more

effective global legal order which is consistent and compatible with civil guarantees and human rights principles Part I studies the main extra legal and legal aspects of money laundering by analyzing the meaning causes and effects of this phenomenon and their link with the financing of terrorism with special attention to the interconnection between the so called preventive regulatory AML CFT system and the punitive approach Part II provides a global comparative analysis to determine whether or not the adoption of money laundering offences is consistent with sound principles of criminal law and criminal procedure Finally Part III examines the jurisdictional problems with respect to extra territorial and large scale money laundering cases The book offers nuanced and thought provoking answers to questions regarding the prohibition of money laundering the financing of terrorism and the relationship between them the current state of associated International Law the need for future action and the human rights consequences of these crimes

### **Money Laundering Counter-measures in the European Union**

Valsamis Mitsilegas,2003-01-01 The past fifteen years witnessed the emergence globally of a plethora of legislative measures aimed at countering money laundering These developments have been inextricably linked with the growing international focus on newly perceived and or prioritised global security threats such as organised crime and terrorism with money laundering counter measures deemed essential to counter these threats Taking these developments into account this book examines in detail the evolution and content of money laundering counter measures in the European Union These measures constitute a new paradigm of security governance achieved through three principal methods criminalisation consisting in the emergence of new criminal offences responsabilisation consisting in the mobilisation of the private sector to co operate with the authorities in the fight against money laundering and the emphasis on the administration of knowledge through the establishment of new institutions the financial intelligence units with extensive powers to administer a wide range of information provided by the private sector This paradigm may pose significant challenges to fundamental legal principles and to well established social structures and the book attempts to address this balance This up to date analysis includes the provisions of the new EU money laundering Directive which was formally adopted in December 2001

### **The Critical Handbook of Money Laundering**

Petrus C. van Duyn,Jackie H. Harvey,Liliya Y. Gelemerova,2018-12-30 The overarching aim of this book is to bring order to the subjects of money laundering and of the anti money laundering frameworks that have been written over the past thirty years It provides scholars practitioners and policy makers with a guide to what is known of the subject thus far The book examines critically the underlying assumptions of research and of policy making in the field and offers a systematic review of the most important policy and academic literature on the subject

### **Research Handbook on Money Laundering**

Brigitte Unger,Daan van der Linde,2013-01-01 Although the practice of disguising the illicit origins of money dates back thousands of years the concept of money laundering as a multidisciplinary topic with social economic political and regulatory implications has only gained prominence since the 1980s This groundbreaking volume offers original state of the art research on the current money

laundrying debate and provides insightful predictions and recommendations for future developments in the field The contributors to this volume academics practitioners and government representatives from around the world offer a number of unique perspectives on different aspects of money laundrying Topics discussed include the history of money laundrying the scale of the problem the different types of money laundrying the cost to the private sector and the effectiveness of anti money laundrying policies and legislation The book concludes with a detailed and insightful synthesis of the problem and recommendations for additional steps to be taken in the future Students professors and practitioners working in economics banking finance and law will find this volume a comprehensive and invaluable resource

**The Anti Money Laundrying Complex and the Compliance Industry** Antoinette Verhage,2011-03-15 Financial institutions as gateways to the financial system to economic power and possibilities are one of the major vehicles for money laundrying and therefore also represent an important means to prevent this type of crime The compliance officer symbolises a part of this private investment in anti money laundrying AML and as a bank employee is responsible for the implementation of governmental objectives trapped between crime fighting objectives and commercial goals The duality of the involvement of private partners in the AML complex and the vastness of the system serves as a background for a new book looking at the functioning values and perceptions of actors within this system With thorough analysis of original empirical date Verhage provides a rich and illustrative insight in the world of compliance officers and the sometimes paradoxical AML system that they have to work within

An Introduction to Transnational Criminal Law Neil Boister,2018-04-19 National borders are permeable to all types of illicit action and contraband goods whether it is trafficking humans body parts digital information drugs weapons or money Whilst criminals exist in a borderless world where territorial boundaries allow them to manipulate different markets in illicit goods the authorities who pursue them can remain constrained inside their own jurisdictions In a new edition of his ground breaking work Boister examines how states must cooperate to tackle some of the greatest security threats in this century so far analyses to what extent vested interests have determined the course of global policy and law enforcement and illustrates how responding to transnational crime itself becomes a form of international relations which reorders global political power and becomes at least in part an end in itself Arguing that transnational criminal law is currently geared towards suppressing criminal activity but is not as committed to ensuring justice Boister suggests that it might be more strongly influenced by individual moral panics and a desire for criminal retribution than an interest in ensuring a proportional response to offences protection of human rights and the preservation of the rule of law

*Asset Tracing & Recovery* Bernd H. Klose,2009-11-06 Globalization has given criminals an unlimited number of possibilities especially in offshore areas to hide deprived assets International experts of FraudNet deliver comprehensive and crucial knowledge about the possibilities of asset tracing and recovery including an introduction to the methods of fraud international available remedies supranational legal sources basics of asset tracing and recovery in common law and civil law respective national

laws regulations and proceedings of over 40 countries Back cover      **Elgar Concise Encyclopedia of Corruption Law** Mark Pieth,Tina Søreide,2023-12-11 Presenting the broad spectrum of interdisciplinary academic research on corruption this essential reference book examines anti corruption legislation governance mechanisms international instruments and other preventative measures intended to tackle corruption Including over 100 entries and adopting a comprehensive approach to researching and combating corruption this Encyclopedia covers the key ideas concepts and theories in corruption law

**Suppressing Terrorist Financing and Money Laundering** Jae-myong Koh,2006-07-25 When watching the collapse of the Twin Towers on CNN 11 September 2001 the international community was awakened to the urgent needs of open discussion to identify the emerging threat and the way to cope with it Given the unprecedented heinous nature of the incident the moves that the international community made were quick and included countermeasures in various dimensions One of the major countermeasures highlighted as a result was to target the financial infrastructure of terrorist organisations In this campaign diverse organisations have participated including the Security Council Financial Action Task Force FATF IMF World Bank etc At the same time various methodologies have also been introduced at both the international and national level Such a consensus and mobilisation of sources to one end in the international community may be considered phenomenal in the history of public international law and without doubt merits an in depth analysis for both academic and practical purposes In this context this book examines the evolution and implementation of international standards on countering the financing of terrorism There are two dimensions to be taken into account to understand the structure of this book The first is concerned with a sequential perspective Given that 9 11 has provided a critical momentum in this area chapter 2 deals with the international position prior to 9 11 whereas chapters 3 4 and 5 analyse development following 9 11 The second is related to a hard law and soft law perspective

**The New Laws of Outer Space** Ugo Pagallo,2024-11-14 This book maps out the moral legal and societal issues brought forth by the use of autonomous systems such as AI and smart robots in outer space Humanity is on the brink of a new space era in which projects for permanent human colonies on the Moon and space missions with autonomous AI systems will soon become a reality Principles and provisions of international space law fall increasingly short in tackling this scenario Experts and institutions have recommended improvements to the legal framework such as new international agreements or policies that would not require any amendment to conventional law Most of the time such proposals and recommendations overlook the challenges posed by technology and how autonomous and intelligent systems in outer space require moral and legal standards of their own This book argues that the traditional focus on satellite communications space related services and the appropriability of celestial resources needs to be integrated by new laws of outer space regulating cybersecurity law and environmental law data governance and consumer protection The new laws of outer space will increasingly concern the development of new standards for the behaviour and decision making of AI systems and smart robots with and without humans aboard deep space missions and in next generation colonies What laws shall

govern us out there in a new terra incognita This is the question that the book sets out to answer      Transnational Crime and Global Security Philip L. Reichel, Ryan Randa, 2018-01-12 This two volume work offers a comprehensive examination of the distressing topics of transnational crime and the implications for global security National security is a key concern for individual nations regions and the global community yet globalism has led to the perfusion of transnational crime such that it now poses a serious threat to the national security of governments around the world Whether attention is concentrated on a particular type of transnational crime or on broader concerns of transnational crime generally the security issues related to preventing and combatting transnational crime remain of top priority concern for many governments Transnational Crime and Global Security has been carefully curated to provide students scholars professionals and consultants of criminal justice and security studies with comprehensive information about and in depth analysis of contemporary issues in transnational crime and global security The first volume covers such core topics as cybercrime human trafficking and money laundering and also contains infrequently covered but nevertheless important topics including environmental crime the weaponization of infectious diseases and outlaw motorcycle gangs The second volume is unique in its coverage of security issues related to such topics as the return of foreign terrorist fighters using big data to reinforce security and how to focus efforts that encourage security cooperation      Combating Economic Crimes Ndiva Kofele-Kale, 2013-03-01 In the last decade a new tool has been developed in the global war against official corruption through the introduction of the offense of illicit enrichment in almost every multilateral anti corruption convention Illicit enrichment is defined in these conventions to include a reverse burden clause which triggers an automatic presumption that any public official found in possession of inexplicable wealth must have acquired it illicitly However the reversal of the burden of proof clauses raises an important human rights issue because they conflict with the accused individual's right to be presumed innocent Unfortunately the recent spate of international legislation against official corruption provides no clear guidelines on how to proceed in balancing the right of the accused to be presumed innocent against the competing right of society to trace and recapture illicitly acquired national wealth Combating Economic Crimes therefore sets out to address what has been left unanswered by these multilateral conventions to wit the level of burden of proof that should be placed on a public official who is accused of illicitly enriching himself from the resources of the State balanced against the protection of legitimate community interests and expectations for a corruption free society The book explores the doctrinal foundations of the right to a presumption of innocence and reviews the basic due process protections afforded to all accused persons in criminal trials by treaty customary international law and municipal law The book then goes on to propose a framework for balancing and situationalizing competing human rights and public interests in situations involving possible official corruption      **Virtual Worlds and Criminality** Kai Cornelius, LL.M., Dieter Hermann, 2011-08-17 The fusion between virtuality and reality has created a new quality of experience establishing metaverses and virtual worlds Second Life Twinity Entropia Universe or Fregger have experienced

rapid growth in recent years and show no signs of slowing down Not only have countless companies discovered these virtureal worlds as marketplaces but so have fraudsters and other criminals In this book European experts from different academic disciplines show how to meet the new challenges arising from virtual worlds They discuss the reasons for and the impacts of these new forms of criminality as well as the necessity and means of combating them Moreover other fundamental issues are examined such as the addictive potential of virtual world use media violence and conflict resolution problems arising in the context of virtual worlds *Extraterritoriality in East Asia* Ireland-Piper, Danielle,2021-07-31

*Extraterritoriality in East Asia* examines the approaches of China Japan and South Korea to exercising legal authority over crimes committed outside their borders known as extraterritorial jurisdiction It considers themes of justiciability and approaches to international law as well as relevant examples of legislation and judicial decision making to offer a deeper understanding of the topic from the perspective of this legally politically and economically significant region **The Fight**

**against Money Laundering** , *State Responsibility for Breaches of Investment Contracts* Jean Ho,2018-10-25 There is a wealth of material that shapes the law of State responsibility for breaches of investment contracts First impressions of an unsettled or uncertain law have thus far gone unchallenged But unchallenged first impressions point to the need for a detailed study that investigates and analyses the sources the content the characteristics and the evolution of this law The argument at the heart of this monograph is that the law of state responsibility for breaches of investment contracts has carved a unique and distinct trajectory from the traditional route for the creation of international law developing principally from arbitral awards and mimicking to a considerable extent the general international law on the protection of aliens and alien property This book unveils the remarkable journey of the law of state responsibility for breaches of investment contracts from its origins to its formation to its arrival at the cusp of maturity Civil Liability in Europe for

Terrorism-Related Risk Lucas Bergkamp,Michael Faure,Monika Hinteregger,Niels Philipsen,2015-11-12 Comprehensive and forward looking analysis of civil liability for terrorism related risk under international EU and selected national tort laws

**The European Union and Internal Security** V. Mitsilegas,J. Monar,W. Rees,2003-03-03 In the post Cold war period new security threats have arisen in Western Europe Amongst these organized crime and illegal immigration are acknowledged to represent significant security challenges The European Union and Internal Security analyses the nature of these challenges and investigates how the EU has been evolving to counter them Written by experts in the fields of political science and law this book addresses a hitherto neglected area of study



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