10-26-2015

Revising the U.S. Government's Post-9/11 Counter-Terrorist Financing Strategy Directed at Al Qaeda to Target the Funding of ISIS

Jimmy Gurule
Notre Dame Law School, Jimmy.Gurule.1@nd.edu

Comparative and International Aspects of Criminal and Terrorism Funding

October 26-27, 2015

University of Tilburg
TZ5 TIAS Building
Warandelaam 2
2037 AB Tilburg

Building on the success of our previous events in Manchester and London, this final conference in the 'Dirty Assets' series explores comparative and international aspects of criminal and terrorism finances (both within and outwith the EU). This AHRC-funded event brings together leading practitioners, policymakers, and academics to consider challenges and opportunities for the anti-assets strategy, and to identify research needs and future directions. With contributions from law, criminology, political science, and economics, this event offers a multi- and inter-disciplinary approach to the anti-assets strategy at the national and supranational level. Discussion will centre on a number of key areas, split between a focus successively on terrorism finances (CTF) and criminal finances (AML/PoC).

Day 1: Responses to Terrorism Finances

- The first session considers the institutional arrangements regarding CTF with regional (European) and international (UN) perspectives. These arrangements must be considered not just as cellular responses but as interactive and cumulative.
- The second session addresses a range of specific measures and the impacts of choices between them. This inquiry applies the application of sanctions in different contexts (including in situations of armed conflict) and how choices between regulation and criminal justice arise and apply.

Day 2: Responses to Criminal Finances

- Focus will be on AML and PoC frameworks. Regulatory compliance and AML will be explored, with emphasis on banking and legal sectors
- Given the prominence of AML and PoC as a law enforcement tool, there will be discussion of law and practice in different jurisdictions to consider examples of impact, effectiveness, and best practice.
- There will be emphasis on obstacles to an effective AML and PoC regime, as well as focusing on key challenges ahead.

For further information or inquiries, contact:

Dr Colin King
Sussex University
colin.king@sussex.ac.uk

Prof Jimmy Gurulé
Notre Dame University
jimmy.gurule.1@nd.edu

Prof Toine Spapens
Tilburg University
a.c.spapens@tilburguniversity.edu

Prof Clive Walker
Leeds University
c.p.walker@leeds.ac.uk

Website: http://www.sussex.ac.uk/law/newsandevents/dirtyassets

Venue details: https://www.tilburguniversity.edu/contact/campus-map/

Sponsored by

University of Sussex · University of Notre Dame · Tilburg University · University of Leeds · Arts & Humanities Research Council

26 OCTOBER 2015: Responses to Terrorism Finance

13.30 - 14.00 **Registration and coffee**

14.00 - 14.15 **Welcome**

14.15 – 16.00 **CTF Institutional Approaches**
Prof Marieke de Goede, University of Amsterdam
Dr Oldrich Bures, Metropolitan University, Prague
Judge Kimberley Prost, UN
Chair: Prof Jimmy Gurulé

16.00 - 16.30 **Break**

16.30 – 18.30 **CTF Mechanisms**
Associate Prof Christopher Michaelsen, University of New South Wales
Dr Luca Pantaleo, Asser Institute, Amsterdam
Prof Jimmy Gurulé, University of Notre Dame
Dr Karen Clubb, University of Derby and Prof Clive Walker, University of Leeds
Chair: Prof Toine Spapens

18.30 – 19.15 **Drinks reception**

19.45 **Dinner (for speakers)**

27 OCTOBER 2015: Responses to Criminal Finances

08.45 – 09.15 **Registration and coffee**

09.15 - 10.45 **AML and Compliance**
Katie Benson, University of Manchester
Prof Antoinette Verhage, Ghent University
Prof Petrus van Duyne, Tilburg University
Chair: Dr. Colin King

10.45 - 11.00 **Break**

11.00 - 12.30 **New Challenges for AML**
Dr Mo Egan, University of Abertay, Dundee
Prof Mike Levi, Cardiff University
Dr Joras Ferwerda, Utrecht University
Chair: Prof Toine Spapens

12.30 - 13.15 **Lunch**

13.15 - 14.45 **International experiences of asset recovery**
Prof Sandra Thompson, University of Houston
Prof Simon Young, University of Hong Kong
Prof Tijs Kooijmans, Tilburg University
Chair: Katie Benson

14.45 - 15.00 **Break**

15.00 – 16.30 **Asset recovery: looking back and looking forward**
Prof Anna Maria Maugeri, University of Catania
Dr Colin King, University of Sussex
Frank Cassidy, Eurojust
Chair: Prof Clive Walker

16.30 – 17.15 **Drinks reception**

26 OCTOBER 2015: Responses to Terrorism Finance

Panel 1 CTF Institutional Approaches

Chair: **Professor Jimmy Gurulé**, University of Notre Dame

Prof Marieke de Goede, University of Amsterdam

A Finance/Security Assemblage: Banks in the Frontline

This presentation conceptualizes the global fight against terrorism financing as an 'assemblage' in which different institutions and mechanisms are harnessed to secure financial circulation. Within this assemblage, banks and financial institutions such as SWIFT play a key role. What does it means to place private financial institutions in the frontline of security? The presentation discusses the challenges and pitfalls for banks in the context of a risk-based regulatory landscape. It analyses how companies are confronted with complex and conflicting regulatory demands in their new security roles. It discusses the recent turn to 'derisking' and raises questions concerning the legitimacy and accountability of security decisions made inside commercial institutions.

Dr Oldrich Bures, Metropolitan University, Prague

EU's Fight against Terrorist Financing: A Critical Assessment

This presentation offers a critical assessment of the post-9/11 efforts of the European Union (EU) in the fight against terrorist finances. Using EU's own goals from its action plans and counterterrorism strategies as the baseline criteria, it examines how successful has the EU been in implementing the relevant aspects of various United Nations Security Council counterterrorism resolutions, the special recommendations of Financial Action Task Force, and its own measures spanning across all of its three pre-Lisbon pillars. In particular, the presentation seeks to answer the following questions: (1) What and how much of its own counter-terrorism plans has the EU managed to achieve since 9/11?; (2) What lessons can be learned from the hitherto successes and failures for future EU efforts to counter terrorist financing? Special attention is paid to the thus far neglected role of the private sector in the fight against terrorist financing.

Judge Kimberly Prost, UN

United Nations Sanctions as a Counter Terrorism Tool – Finding a Fair Process Balance

The presentation will focus on the uncomfortable relationship between counter terrorism measures and UN Sanctions. In particular it will focus on the fair process issues which have arisen with respect to the use of sanctions in this context and the establishment and operation of the Office of the Ombudsperson as a result.

Panel 2 CTF Mechanisms

Chair: **Prof Toine Spapens**, Tilburg University

Associate Prof Christopher Michaelsen, University of New South Wales

Legal and Regulatory Approaches to Counter-Terrorism Financing: An Australian Perspective

This paper will endeavour to provide a survey of Australian legal (criminal) and regulatory approaches to counter-terrorist financing. It will proceed in four parts: The first part considers the development of the Australian legislative regime in the field of counter-terrorism financing and demonstrates that the Australian efforts in this area have been largely influenced by Security Council resolutions and by recommendations of the Financial Action Task Force. The second part focuses on the regulatory regime which complements the criminal regime. This regime imposes several monitoring and reporting requirements on private institutions administered by AUSTRAC, Australia's financial intelligence unit with regulatory responsibility for anti-money laundering and counter-terrorism financing. The third part examines how the criminal and regulatory regimes have operated in practice. It provides a critique of technical aspects of the federal legislative regime and considers reform proposals. The final part addresses the relationship between the federal counter-terrorism financing regimes and the asset confiscation regimes as contained in State legislation. In this regard the paper considers legislative developments in Queensland and New South Wales.

Dr Luca Pantaleo, Asser Institute

The application of restrictive measures in armed conflicts

The relation between the law of armed conflicts (IHL) and other branches of international law, in particular human rights law, has always been subject to debate. According to a traditional view, IHL constitutes the only set of rules applicable to fact and events occurred in a situation of armed conflict. Recently, however, the prevailing opinion seems to support the idea that there is no watertight separation between IHL and other rules of international law. Rather, these rules are increasingly being seen as complementary to each other.

The debate has recently been extended to anti-terrorism legislation, mainly restrictive measures adopted against individuals and entities for their involvement in terrorist activities. In particular, the issue was addressed in a judgment handed down by the General Court of the European Union in October 2014. The case concerned the terrorist organisation *Liberation Tigers of Tamil Eelam (LTTE)*, who claimed to be engaged in a liberation struggle against the Sri Lankan State at the time it was added to the list of proscribed organisations by the EU. As a consequence, LTTE argued that EU legislation concerning terrorism was not applicable, and that LTTE could not be considered a terrorist organisation proper but rather a party to an armed conflict. Although its arguments relating to this issue were entirely rejected by the General Court, the question remains open and will possibly be at the forefront of the debate for the years to come. From this perspective, it should not go unmentioned that a similar case concerning the terrorist wing of Hamas is currently pending before the European Court of Justice, and that the rising of a hybrid entity/pseudo-state such as ISIS may potentially render the link between anti-terrorism measures and IHL even more inextricable.

In a nutshell, the supposed incompatibility of anti-terrorism legislation with IHL rests on two different grounds. On the one hand, it has been argued that the imposition of such measures on one party (and only one) to an ongoing armed conflict constitutes a breach of the principle of non-intervention. On the other hand, it has also argued that the application of peacetime anti-terrorism legislation in times of war conflicts with the rights and privileges conferred to combatants by the law of armed conflicts. The aim of this paper is to examine these issues, with a view to analyse whether international law prevents third countries and international organisations from applying their legislation concerning internal or international terrorism to individuals and entities (supposedly) involved in an armed conflict. Special focus will be devoted to the legislation of the EU, and in particular to EU restrictive measures (i.e. targeted sanctions).

Prof Jimmy Gurulé, University of Notre Dame

Revising the U.S. Government's Post-9/11 Counter-Terrorist Financing Strategy Directed at Al Qaeda to Target the Funding of ISIS

The Islamic State of Iraq and Syria ("ISIS") is the most deadly and well-funded foreign terrorist organization in the world. There are estimates that ISIS has an annual budget of over $2 billion to finance its goal of establishing an Islamic state governed by its twisted version of Islamic law. Flush with funds, the terror group has acquired and controls large swaths of territory in the Syria and Iraq, and the threat it poses extends to Egypt, Lebanon, Libya, Yemen, and Afghanistan. While depriving ISIS of funding is a central component of the United States government's strategy to degrade and destroy ISIS, these efforts have been ineffective. ISIS is largely self-financed, and its sources of funding are fundamentally different from those of al Qaeda. As a result, the government needs to rethink and refocus its post-9/11 counter-terrorist financing strategy directed at al Qaeda, to effectively disrupt and deprive ISIS of funding. Ultimately, the government should consider adopting an economic sanctions regime similar to that implemented against Iran.

Dr Karen Clubb, University of Derby and **Prof Clive Walker**, University of Leeds

Terrorism Financing and Models of Delivery – Ensuring Effective Regulation

Following the events of 9/11, counter–terrorism efforts have focused heavily on the prevention of terrorist finance, with an expansion of the regulatory framework to activities perceived as 'suspect' or 'risky', including in informal transfer finance systems such as hawala. This paper presents and contrasts two models of regulation, the criminal justice model and the regulatory risk model, critiquing their application and impact in preventing terrorist financing and considering the degree to which they potentially yield financial security. The paper concludes with the presentation of a framework of precepts to guide future regulatory interventions and a methodology for assessing their impact.

27 OCTOBER 2015: Responses to Criminal Finances

Panel 3 AML and Compliance

Chair: **Dr Colin King**, University of Sussex

Katie Benson, University of Manchester

The Facilitation of Money Laundering by Professionals: Challenging the Official Narrative

The involvement of legal and financial professionals in the laundering of criminal proceeds has become an increasing concern for policy makers, law enforcement organisations and regulatory bodies over recent years. The FATF has highlighted this as a growing problem, suggesting that stringent anti-money laundering controls and increasingly complex money laundering methods have led to criminals becoming more reliant on the services and skills provided by professionals to manage their illicit funds. As a result, a range of legislative and regulatory measures have been implemented to try and prevent professionals becoming involved in facilitating money laundering. Based on the analysis of a number of cases of solicitors convicted of money laundering offences in the UK, this presentation challenges official constructions of the facilitation of money laundering by legal and financial professionals, which fail to appreciate its complexity and the diversity of actions and behaviours involved. The complex and multi-faceted nature of professionals' role in the facilitation of money laundering has implications for its control.

Prof Antoinette Verhage, Ghent University

Getting a Grip on Anti-Money Laundering Policy

Over 25 years ago, money laundering was inserted in the penal code in Belgium, as it was in other European countries. Since then, an impressive apparatus of anti money laundering and compliance initiatives was established, to a large degree based on European regulations. Financial institutions were positioned as important gatekeepers to the anti money laundering system through their reporting function. In this presentation, we will start by illustrating the problems when trying to gain insight in the phenomenon. The anti money laundering system will be discussed and we will focus on the perspective of the compliance officer – responsible for translating AML law into practice in Belgian banks. Building on our PhD study (2009) we will try to make clear that policing money laundering is not as straightforward as it may seem. A small-scale study on compliance officers' views (2015), combined with the recent FATF evaluation (2015) is used to give insight into recent evolutions in the compliance sector, but also touches upon issues such as uniformity, level playing field and, ultimately, effectiveness.

Prof Petrus van Duyne, Tilburg University

Money Laundering and Proportionality: What is Measured Against What?

Proportionality is a leading principle of any governmental measure to maintain the law, which obviously also applies to the fight against money laundering. That means that the anti-money laundering policy should be balanced against the degree to which money laundering poses a threat to society. That presupposes that we have insight into the amount of money laundering as one side of the balance. The other side of the balance, the total of anti-laundering policy, should also be known to keep it proportional to the threat. The presentation discusses both aspects from the FATF perspective.

Panel 4 New Challenges for AML

Chair: **Professor Clive Walker**, University of Leeds

Prof Michael Levi, Cardiff University

Punishing Banks, Their Clients and Their Clients' Clients

Money laundering, terrorism financing and sanctions violations have potentially serious negative consequences for both rich and poor countries and people. The policies that have been put in place to counter financial crimes may also have unintentional and costly consequences for people in poor countries, not just offenders but also especially the families of migrant workers, small businesses that need to access working capital or trade finance, and aid recipients. There is also a risk of counter-productive regulation by reducing the transparency of financial flows and, to the extent that the policies have the effect of making remittances

harder, generating greater hostility towards the West.
There is a lack of shared understanding about risk and related guidance on anti-money laundering/combatting the financing of terrorism (AML/CFT) and proliferation financing. Regulators sometimes send mixed signals about whether and how banks and other entities should manage their AML/CFT risk, with correspondingly simplistic risk assessment methodologies being applied by these entities. These factors, combined with the imposition of significant fines on some large banks for serious contraventions of AML/CFT and, particularly, of sanctions laws, have led banks to take regulatory risk far more seriously than criminal risk and led them to exit from firms, sectors and countries that cannot meet compliance standards and could become the source of future fines, monitorships or even prosecutions. The paper examines the logic of de-risking and how policies and practices have developed with what consequences.

Dr Joras Ferwerda, Utrecht University
The Effectiveness of Anti-Money Laundering Policies in the EU
Official government policies against money laundering in the EU have been in place for roughly 25 years, after much concerted effort and a great deal of time and money invested. But how effective is this Anti-money laundering policy? And how can we measure its effectiveness? This presentation shows the results of the ECOLEF project: an EU-financed research project by a multidisciplinary research team from Utrecht University, chaired by Brigitte Unger. During a three-year study we analyzed the policies in-depth by traveling to 27 Member States to interview over a hundred people involved in the fight against money laundering. The analysis includes, among others, an inquiry into the national supervisory architectures, a comparison of the definitions of money laundering used in practice, a breakdown of the role of Financial Intelligence Units and a cost-benefit analysis of anti-money laundering policy.

Dr Mo Egan, University of Abertay
Taxing Times: A Bit (coin) of a Problem for the EU AML Framework
The European Agenda for Security sets out the intended focus of policy and law making of the EU as the EU institutions seek to deliver an Area of Freedom, Security and Justice over the next five years. The European Commission argue that "increasingly cross border and cross sectorial" threats demand a "coordinated response at the EU level". The 4th Money Laundering Directive and the Regulation on information accompanying transfers of funds is the most recent attempt by the EU to tackle money laundering through such a coordinated. These measures attempt to incorporate the FATF Recommendations of 2012 into EU law. This paper will examine coherence of the EU AML framework in the face of continued change. In particular, it will address the difficulties with information sharing between agencies/organisations involved in the policing of AML, consider the prospects of harmonisation of tax evasion, and reflect on the implication of new problems with its inter-relationship with cryptocurrencies.

Panel 5 International Experiences of Asset Recovery

Chair: **Katie Benson**, University of Manchester

Prof Sandra Guerra Thompson, University of Houston, Texas
Asset Forfeiture, Policing for Profit, and Current Discontent with Police Abuses
Civil asset forfeiture law has aided American law enforcement in fighting criminal activity since colonial times when such laws were used to seize foreign pirate ships. The owners and profiteers of those marauding ships might reside in foreign countries, out of reach of American law enforcement, but civil forfeiture provided a means to interdict and deter piracy without the need to prosecute the offending ship owner. Forfeiture also allows law enforcement to seize the proceeds and instrumentalities of criminal activity, thus removing the incentive to commit crimes and tools used in crimes. However, the advent of the war on drugs in the U.S. brought sweeping changes to American asset forfeiture law which created a profit motive for law enforcement. In this talk, Professor Thompson will address the current structure of American asset forfeiture law, and she will discuss the concerns about police abuses of the forfeiture laws that have emerged from the profit incentive built into the law. The concerns have taken on greater urgency as they have become part of the dialogue about race relations and aggressive tactics by police in the wake of civil unrest in places like Ferguson, Missouri, and Baltimore, Maryland.

Prof Simon Young, University of Hong Kong

Human Rights and Asset Recovery: Recent Developments from Hong Kong

Recent cases from Hong Kong engage with two important human rights challenges in asset recovery law: disproportionate restraint and disproportionate confiscation. Disproportionality in restraint can be measured in terms of the duration of restraint, scope of property impacted, and scope of persons impacted. Disproportionality in confiscation is measured relative to the financial means of the persons involved, their culpability, and the relevant harmful risks. *Interush Ltd v Commissioner of Police* [2015] HKCFI 1369 joins the chorus of authorities upholding the legality of "no consent" regimes, which have the effect of restraining property without prior judicial authorization. *HKSAR v Tsang Wai Lun Wayland* (2014) 17 HKCFAR 319 shows the first signs of how the final court will address the problem of disproportionate confiscation. While the case reflects a protective approach, the means adopted, i.e. using the 'benefit' doctrine, is potentially problematic. A robust proportionality test should be adopted, ideally instead of the benefit doctrine.

Prof Tijs Kooijmans, Tilburg University

Non Conviction Based Asset Recovery in the Netherlands: Money Laundering and Confiscation of Illegally Obtained Profits

When public authorities encounter a person carrying (a large amount of) money under extraordinary circumstances, this may give rise to a suspicion of money laundering. In the presentation, the legal possibilities to convict the person suspected of money laundering are discussed. In addition, the presentation will focus on the possibilities of confiscating profits of specific crimes which were never proven beyond reasonable doubt.

Panel 6 Asset Recovery: Looking Back and Looking Forward

Chair: **Prof Clive Walker**, University of Leeds

Prof Anna Maria Maugeri, University of Catania

EU Law / Policy on Confiscation of Assets: The Perspective of Mutual Recognition

The confiscation of assets derived of criminal activities represents an essential tool of the European strategy in the fight against organised crime and profit-generating crime in general; in particular, the European legislator is trying to improve the judicial cooperation in this sector through the mutual recognition of the confiscation.

The Conclusions of the 1999 Tampere European Council have established that the principle of mutual recognition should become one of the cornerstones of the space of freedom, security and justice. To improve the mutual recognition of confiscation orders the Council has adopted Framework Decision 2006/783/JHA of 6 October 2006, in particular to implement extended confiscations under Article 3 of the Framework Decision 2005/212/JHA, replaced by the Directive n. 42/2014.

This principle has to be the cornerstone of judicial co-operation in both civil and criminal matters within the Union. It has to be built on the harmonisation of the confiscation models and, first of all, on the mutual trust, which demands the respect of the safeguards of the rule of law.

This presentation is focused on analysing these two connected aspects, in particular in relation to the two types of confiscation which are considered more efficient in order to facilitate the demonstration of the illegal origin of the assets to forfeit: the extended confiscation and the no conviction based confiscation. Although the Directive n. 42/2014 doesn't adopt substantially this last model of confiscation, in approving the directive the European Parliament and the Council have issued a Statement "on an analysis to be carried out by the Commission" in order to introduce "further common rules on the confiscation of property deriving from activities of a criminal nature, also in the absence of a conviction...", "taking into account the differences between the legal traditions and the systems of the Member States".

Dr Colin King, University of Sussex

Civil Forfeiture – Time for Reflection and Restraint

The confiscation of assets in the absence of criminal conviction has attracted a great deal of controversy, including claims that it undermines due process rights and the right to property. This paper will examine the Irish civil forfeiture model, in particular how the courts have upheld its constitutionality. This paper forms part of a larger project, still in its infancy, that draws upon experiences of practitioners over the past two

decades. Much of the literature on civil forfeiture tends to be black-letter doctrinal analysis; this project aims to take this a step further and to explore views and experiences of practitioners at the coalface. The Irish Department of Justice and Equality is currently conducting a review of the Irish Proceeds of Crime legislation, with an aim of strengthening powers available to the Criminal Assets Bureau. My argument is that there ought to be restraint in this respect: there should be a much wider review of POCA to assess not only the need for further powers, but to also consider 'effectiveness' beyond a mere focus on 'how much is confiscated'.

Frank Cassidy, Eurojust

The Constitutionality of Civil Forfeiture

Civil forfeiture is a powerful, and much needed, tool in the fight against organised crime. Civil forfeiture allows the authorities to seize criminal assets even where it is not possible to mount a successful prosecution – for example where a person flees the country or where witnesses are scared of testifying against a well known criminal. There has been some criticism of civil forfeiture powers, but in this presentation I will demonstrate that such criticisms are misconceived. I will demonstrate how civil forfeiture has withstood constitutional challenge in Ireland, and argue that the Irish legislation provides a model for other jurisdictions thinking of adopting civil forfeiture

Speakers

Katie Benson is a PhD Candidate at the Centre for Criminology and Criminal Justice, School of Law, University of Manchester. Her current ESRC-funded research examines the role of legal and financial professionals in the facilitation of money laundering. Prior to this she held roles as Knowledge Manager at the Scottish Crime and Drug Enforcement Agency and Intelligence Analyst at Derbyshire Constabulary, as well as completing an MSc in Criminology at the University of Leicester and an MRes in Criminology and Socio-Legal Studies at the University of Manchester. She also spent a number of years working in the pharmaceutical industry.

Oldrich Bures is the head of the Center for Security Studies at Metropolitan University Prague. His research focuses on privatization of security and fight against terrorism and has been published in *Security Dialogue* and *Terrorism and Political Violence*, among other key journals. He is the author of *EU Counterterrorism Policy: A Paper Tiger?* (Ashgate, 2011) and *Private Security Companies: Transforming Politics and Security in the Czech Republic* (Palgrave Macmillan, 2015). For a full list of publications, please see http://www.researchgate.net/profile/Oldrich_Bures.

Frank Cassidy, the National Member for Ireland, joined Eurojust in September 2014. He has had a long and varied career in the Irish Prosecution Service, spanning some thirty years, serving as Head of the District Court, judicial review, Appeals and Superior Court Sections, as well as Acting Chief Prosecution Solicitor, a post which included responsibility for devising the overall policy in Ireland for freezing and confiscation orders. He, like Ireland itself, is an active proponent of NCB confiscation. Mr Cassidy was appointed first solicitor to the Criminal Assets Bureau (CAB) on its establishment in Ireland in 1996 and subsequently re-joined for a six year secondment as Bureau Legal Officer in 2006, when he held overall responsibility for legal policy and operations. Mr. Cassidy is a frequent lecturer on criminal law, advocacy and in support of CAB's international policy of encouraging the mutual recognition of non-conviction based orders within the European Union. He is also a contributor to published works for the Law Society of Ireland, the World Bank and the Oxford University Press.

Karen Clubb took up her position as Senior Lecturer at the University of Derby in 2006. She currently teaches transnational crime, international criminal law and approaches to security and counter terrorism on the post graduate programmes at Derby. Her Doctoral studies focused on Money Laundering Regulations 2007 and the misuse of informal value transfer systems for terrorism finance. Her research focuses on the misuse of informal value transfer systems, investigation and prevention of terrorist finance, models of financial regulation and supervision and sanctions regimes.

Petrus van Duyne is emeritus professor of empirical criminal law at Tilburg University. He has done extensive international research in the field of organised crime, corruption, fraud and money laundering. He is initiator and coordinator of the Cross-border Crime Colloquium and chief editor of the related annual volumes. At present he is together with colleagues working on a handbook on money laundering.

Mo Egan was admitted as a solicitor in 2007 and after a short period in commercial practice began her doctoral research in 2009. Funded by the Scottish Institute for Policing Research she examined the policing of money laundering in a cross-jurisdictional context. In 2014, she was appointed to the Law Society of Scotland Anti-money Laundering Panel as the academic expert. In 2015, she developed (with her colleagues at Abertay University) an LLM programme in EU Security and Transnational Criminal Justice that is delivered online. Dr Egan continues to research in the field of justice and home affairs focusing on financial crime, police cooperation, and in particular, the interplay between state and non-state agencies in the delivery of criminal justice.

Joras Ferwerda holds a Bachelor in Economics and Law, a Master in Economics and Social Science and a PhD in Economics from the Utrecht University School of Economics in the Netherlands. He is currently Assistant Professor of the Economics of the Public Sector chair at the Utrecht University School of Economics in the Netherlands. He is also senior researcher at VU University Amsterdam for an EU-funded research project on Risk Models for Money Laundering. He did the first study on the amounts and effects of money laundering in the Netherlands for the Dutch Ministry of Finance and a study on money laundering in the real estate sector for the Dutch Ministry of Finance, Justice and Interior Affairs. He organized the conference 'Tackling Money Laundering' with international leading experts on money laundering in Utrecht, the Netherlands. He did EU financed projects on the effectiveness of anti-money laundering and countering terrorist financing policies in the 27 EU member states, on corruption in public procurements, on the portfolio of organized crime groups in Europe and is currently involved in an EU financed project on risk models for money laundering. Among his scientific publications he has an article published in Review

of Law and Economics entitled 'The Economics of Crime and Money Laundering: Does Anti-Money Laundering Policy Reduce Crime?', an article in the journal Applied Economics entitled 'Gravity Models of Trade-Based Money Laundering', two books published by Edward Elgar entitled 'Money Laundering in the Real Estate Sector: Suspicious Properties' and 'The Economic and Legal Effectiveness of the European Union's Anti-Money Laundering Policy' and a dissertation entitled 'The Multidisciplinary Economics of Money Laundering'.

Marieke de Goede is professor of political science at the University of Amsterdam. She has published widely on risk-based approaches to countering terrorism in Europe, with a specific focus on the way in which financial data become deployed in security practices. She is author of *Speculative Security: the Politics of Pursuing Terrorist Monies* (University of Minnesota Press) and co-editor (with Louise Amoore) of *Risk and the War on Terror* (Routledge). De Goede is a member of the peace and security committee of the Dutch Advisory Council on International Affairs (AIV), and is Associate Editor of *Security Dialogue*.

Sandra Guerra Thompson is the Alumnae College Professor in Law and Director of the Criminal Justice Institute at the University of Houston Law Center, where she has taught since 1990. Professor Thompson is a graduate of Yale College and Yale Law School. She served as an Assistant District Attorney in the New York County District Attorney's Office where she practiced both trial and appellate criminal law from 1988-1990.
Professor Thompson teaches and writes in the areas of criminal law, criminal procedure, asset forfeiture, wrongful convictions and evidence. She is the author of THE LAW OF ASSET FORFEITURE (2nd ed. 2005) (with J. Gurule and M. O'Hear) (LEXIS Law Publishing). Her more recent books are: *Cops in Lab Coats: Curbing Wrongful Convictions through Independent Forensic Laboratories* (Carolina Academic Press, 2015) and *American Justice in the Age of Innocence: Understanding the Causes of Wrongful Convictions and How to Prevent Them* (Sandra Guerra Thompson, Jennifer L. Hopgood & Hillary K. Valderrama, eds. 2011).
She is the recipient of the University of Houston 2014-2015 Distinguished Leadership in Teaching Excellence Award, the 2003 University of Houston Teaching Excellence Award and the Ethel Baker Faculty Award in 2000. She is an elected member of the American Law Institute and was appointed to the Board of Advisors for the Institute's sentencing reform project. In 2000, she served as Chair of the Criminal Justice Section of the Association of American Law Schools. She was named one of the top 25 Women of Vision for 2009 by *Hispanic Business* magazine.

Jimmy Gurulé is a tenured member of the law faculty at Notre Dame Law School, South Bend, Indiana, where he teaches courses in Criminal Law, International Criminal Law, the Law of Terrorism, and National Security Law. He is the author of numerous books, and law review articles on money laundering and terrorist financing, including: NATIONAL SECURITY LAW: PRINCIPLES AND POLICY (Aspen Publ., 2015) (co-author); PRINCIPLES OF COUNTER-TERRORISM LAW (West Publ. 2011) (co-author); UNFUNDING TERROR: THE LEGAL RESPONSE TO THE FINANCING OF GLOBAL TERRORISM (Edward Elgar 2008); COMPLEX CRIMINAL LITIGATION: PROSECUTING DRUG ENTERPRISES AND ORGANIZED CRIME (Juris 3d ed., 2013); INTERNATIONAL CRIMINAL LAW: CASES AND MATERIALS (Carolina Academic Press 4th ed., 2013) (co-author); and HOW TO COMBAT MONEY LAUNDERING AND TERRORIST FINANCING (Chapter 13) (Central Banking Publ. Ltd. 2005).
As Under Secretary (Enforcement), U.S. Department of the Treasury, 2001-2003, Professor Gurulé had oversight responsibility for several major federal law enforcement agencies, including the U.S. Secret Service, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms (BATF), Executive Office of Asset Forfeiture, the Financial Crimes Enforcement Network (FinCEN), and Office of Foreign Assets Control (OFAC). As Treasury Under Secretary, he played a central role in developing and implementing the U.S. Government's counter-terrorist financing strategy. He was also responsible for drafting the 2001 and 2002 National Money Laundering Strategy.
Professor Gurulé has lectured extensively on money laundering and terrorist financing both domestically and abroad. Finally, he has served as an expert witness or expert consultant in more than a dozen high-profile money laundering and terrorist financing cases.

Colin King is Senior Lecturer in Law at the University of Sussex and Joint Lead of the Sussex Crime Research Group. He was appointed to the AHRC Peer Review College in October 2015. In November 2014 the Honourable Society of the Inner Temple appointed Colin as an Academic Fellow: http://www.innertemple.org.uk/education/academics/academic-fellows. His teaching is in the areas of: Criminal Law; Criminal Evidence; Transnational Offending; and Financial Crime. His research focuses on civil recovery (NCB forfeiture), particularly in Ireland, the UK, the EU, and with reference to the ECHR. He is co-editor of Dirty Assets: Emerging Issues in the Regulation of Criminal and Terrorist Assets (King and Walker, Ashgate, 2014). Also with Clive Walker, Colin is organising an AHRC-funded research network (2014-16) entitled 'Dirty Assets: Experiences, reflections, and lessons learnt from a decade of legislation on criminal money laundering and terrorism financing'.

In 2013, Colin acted as National Expert (Ireland) for a study commissioned by the European Commission, entitled: 'Study on paving the way for future policy initiatives in the field of the fight against organised crime - effectiveness of specific criminal law measures targeting organised crime'. In 2011, Colin was a Visiting Researcher at the Institute of Criminology, University of Sydney. That year, he also acted as a consultant to an independent review of unexplained wealth orders commissioned by the US National Institute of Justice. He completed his PhD - 'The Confiscation of Criminal Assets: Tackling Organised Crime Through a Middleground System of Justice' - at the University of Limerick, Ireland (2010).

Tijs Kooijmans is a full professor of criminal law at Tilburg University. He has extensively published on the topics of money laundering and confiscation of illegally obtained profits.

Michael Levi has been Professor of Criminology at Cardiff University since 1991, and holds degrees from Oxford, Cambridge, Southampton and a D.Sc. (Econ) from Cardiff. He has been conducting international research on the control of white-collar and organised crime, corruption and money laundering/financing of terrorism since 1972. He currently serves on the Center for Global Development committee on illicit financial flows, the European Commission Group of Experts on Corruption, and Europol advisory committees on the Serious Organised Crime and the Internet-related Organised Crime Threat Assessments. In 2013 he was given the Distinguished Scholar Award by the International Association for the Study of Organised Crime; and in 2014, the American Society of Criminology Sellin-Glueck prize for his contribution to international and comparative criminology. He is a Senior Fellow of Rand Europe and an Associate Fellow of RUSI. Books include *The Phantom Capitalists*, *Drugs and Money*, and *Regulating Fraud*.

Anna Maria Maugeri is full Professor of Criminal Law, Department "Giurisprudenza", University of Catania, Italy (since 01/02/2005) and coordinator of the PhD School on "Law" in the same Department (before of the PHD on "European policies of procedural law, criminal law and judicial co-operation"). She is member of a restricted expert group on *Improving Mutual Recognition of freezing and confiscation orders*, EU Brussels (2015). She was member of two Study Commissions aimed at drawing up proposals on the revision of the sanctions system (Italian Ministry of Justice, 2014 and 2013). She was consultant of the "Parliamentary Commission of Inquiry into the Mafia and other similar criminal organizations" (Resolution 8/5/2007). She is member of the Scientific Committee of ISISC (Int. Inst. of Higher Studies in Crim. Sciences) and founding member of the "Centre for European Criminal Law" (Catania). She is Member of the Scientific Committees of the Review Dir. Pen. Cont. and of the Publ. Series of the Padova Univ. Press. She is member of the Peer Review Committee of: Riv. It. Dir. Proc. pen.; Dir. Pen. e Proc.; Cass. Pen.; Publication Series of Univ. of Insubria. Erasmus Teaching Activity: Univ. Autónoma de Madrid; Castilla La Mancha. Research periods at Max Planck Inst. für Strafrecht-Friburg; Institut of criminal law of Friburg University; Inst. of Advanced Legal Studies. She is responsible for the research project (with an international team): "2014 FIR - The Perspectives of the mutual recognition of confiscation orders after the Directive 42/2014"; she was responsible of many projects of research and member of international team of research (recently: "*New Criminal-Law Limits for the Individual Autonomy and Privacy*", Ministerio de Ciencia e Innovación de España. IP: Antonio Doval Pais; "*Long Term Prison Sentences - An applicable model from a cross-cutting approach*". Director: Francisco Javier de León Villalba).
She has written many articles and books in different topics of (comparative, European and international) criminal law: fundamental principles of criminal law; confiscation and forfeiture in comparative, EU and international law (32 papers); administrative sanctions and the principles of the European Union's punitive system; fundamental rights in the European Convention on Human Rights and in the EC-Treaty*; "*Rome Statute": command responsibility, conspiracy, joint criminal enterprise; protection of cultural heritage in International Criminal Law; liability of Legal Persons for participation in crimes involving an organized criminal group; stalking and domestic violence; freedom of religion; crimes against the public administration; self money laundering. Books: 2001, *Le moderne sanzioni patrimoniali tra funzionalità e garantismo*, Giuffrè; 2007, *La responsabilità da comando nello Statuto della Corte Penale Internazionale*, Giuffrè; 2008, La *tutela dei beni culturali nel diritto internazionale penale - Crimini di guerra e crimini contro l'umanità*, Giuffrè*;* 2010*, Lo Stalking tra necessità politico criminale e promozione mediatica*, Giappichelli.

Christopher Michaelsen is an Associate Professor in the Faculty of Law at the University of New South Wales (UNSW) in Sydney, Australia. His scholarship focuses on the (alleged) tension between 'liberty' and 'security' and examines how this tension applies in both domestic and international contexts, often addressing the interface between the two dimensions. Prior to joining UNSW, he served as a Human Rights Officer (Anti-Terrorism) at the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, Poland. Chris holds dual German/Australian citizenship. He graduated in law from Hamburg University, holds an LLM from the University of

Queensland and a PhD from the Australian National University. He is a co-editor of the *Australian Journal of Human Rights* and an elected member of the Executive Council of the *Australian and New Zealand Society of International Law*.

Luca Pantaleo obtained a PhD in International and EU Law in February 2013 at the University of Macerata (Italy), where he had previously graduated in Law (2009). His PhD thesis focused on "EU Member States International Agreements and EU Law", supervised by M. Eugenia Bartoloni and co-supervised by Prof. Paolo Palchetti.
In the course of his academic career, he has been appointed visiting researcher in several institutions, such as the Pontifical Catholic University of San Paulo/PUC SP (Brazil), the CLEER - Centre for the Law of European External Relations, Asser Instituut (The Hague), the Max Planck Institute for Comparative Public Law and International Law, and the Department of Private Law of the University of Oslo under the reputable 'Yggdrasil' Programme.
Before joining the Asser Institute, he worked at the University of Luxembourg as Senior Researcher (Postdoc), within the Public International Law cluster directed by Professor Matthew Happold. In Luxembourg, Luca's research focused on EU investment agreements.
His research interests include public international law and EU external relations law, in particular EU restrictive measures and EU common commercial and investment policies.

Kimberly Prost worked for the Canadian federal Department of Justice for eighteen years including eight years as Director of the International Assistance Group which is responsible for extradition and mutual legal assistance in criminal matters. In that role, in addition to managing the case work, she participated in the negotiation of over 40 extradition/mutual assistance treaties and was a member of the Canadian delegation for the negotiation of the Rome Statute of the International Criminal Court, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption. She has also held positions as Head, Criminal Law Section at the Commonwealth Secretariat and as Chief, Legal Advisory Section, UNODC where she provided assistance to States in a broad range of areas including anti-money laundering and countering terrorist financing. From 2006 to 2010 she served as a judge of the International Criminal Tribunal for the former Yugoslavia in the Hague. In July 2010 she was appointed by the UN Secretary General as the first Ombudsperson for the Security Council Al Qaida Sanctions Committee. She recently completed her five year term in that position.

Antoinette Verhage is professor of Criminology at Ghent University. She holds a PhD in Criminology (Ghent, 2009), and has been affiliated with Ghent University since 2001. Her dissertation "*The anti-money laundering complex and its interactions with the compliance industry"* (Routledge, 2011) highlighted private financial institutions' role in the (sometimes paradoxical) anti-money laundering system. Her post-doctoral research project consists of a systematic review of research in policing. Today, Antoinette teaches on police, policing and integrity in the bachelor and master of Criminology at Ghent University.
Her research interests are among others policing, compliance, financial-economic crime and informal economy. She has an extensive interest in qualitative research methods. Aside from research, teaching and supervising (PhD) students, Antoinette is an active member of diverse editorial boards. Since 2012 she is the chief-editor of a new journal, the European Journal of Policing Studies (EJPS - see www.maklu.be/crime).

Clive Walker is Professor Emeritus of Criminal Justice Studies at the School of Law, University of Leeds, where he has served as the Director of the Centre for Criminal Justice Studies (1987-2000) and as Head of School (2000-2005, 2010). In 2003, he was a special adviser to the UK Parliamentary select committee scrutinising what became the Civil Contingencies Act 2004, from which experience he published *The Civil Contingencies Act 2004: Risk, Resilience and the Law in the United Kingdom* (Oxford University Press, 2006). His recent books on terrorism and emergencies include *Terrorism and the Law* (Oxford University Press, 2011), *The Anti-Terrorism Legislation*, (3rd ed., Oxford University Press, 2014), *Contingencies, Resilience and Legal Constitutionalism* (Routledge, 2015) and the *Routledge Handbook of Law and Terrorism* (2015). He has also written, with Dr Colin King, specifically on measures against financial crimes in *Dirty Assets* (Ashgate, 2014).

Simon Young is Associate Dean (Research) in the Faculty of Law, University of Hong Kong (HKU), co-editor-in-chief of the *Asia-Pacific Journal on Human Rights and the Law* (Brill), and a practicing barrister at Parkside Chambers. Prior to joining HKU, he was Crown Counsel in the Ministry of the Attorney General for Ontario, where he drafted the province's first proceeds of crime manual. More recently in 2014, he was junior counsel to the Director of Public Prosecutions in two important money laundering cases decided by Hong Kong's Court of Final Appeal. His publications include *Hong Kong's Court of Final Appeal* (CUP 2014) (with Yash Ghai) and *Civil Forfeiture of Criminal Property* (Edward Elgar 2009).

Attendees

Name	Organisation
Peter Alldridge	Queen Mary University of London
Ahmed Almutawa	University of Leeds
Neil Bennett	Ember Consultancy
Katie Benson	University of Manchester
Lia van Broekhoven	Human Security Collective
Oldrich Bures	Metropolitan University, Prague
Frank Cassidy	Eurojust
Karen Clubb	University of Derby
Hilde Docter	Inspectie SZW, Arnhem
Petrus van Duyne	Tilburg University
Mo Egan	University of Abertay, Dundee
Teneille Elliott	Australian National University
Joras Ferwerda	Utrecht University
Marieke de Goede	University of Amsterdam
Sandra Guerra Thompson	University of Houston
Jimmy Gurulé	University of Notre Dame
Louise Hewitt	University of Greenwich
Marie-Anne Janssen	Inspectie SZW, Arnhem
Colin King	University of Sussex
Tijs Kooijmans	Tilburg University
Edwin Kruisbergen	Ministry of Security and Justice, Netherlands
Monica Lengholt	Swedish Police
Michael Levi	Cardiff University
Michael McNeir	Metropolitan Police
Anna Maria Maugeri	University of Catania
Christopher Michaelsen	University of New South Wales
Luca Pantaleo	Asser Institute, Amsterdam
Kimberly Prost	UN
Martin Selander	International Prosecution Office, Stockholm
Elies van Sliedregt	Vrije University
Cristina Soriani	Transcrime
Melvin Soudijn	National Police of the Netherlands
Toine Spapens	Tilburg University
Antoinette Verhage	Ghent University
Clive Walker	University of Leeds
Simon Young	University of Hong Kong
Wouter de Zanger	Utrecht University