



Cases Related to Financial Crime, Money Laundering, and Terrorism Financing: Patterns and Legal Issues

The *Siracusa International Institute for Criminal Justice and Human Rights*¹, in partnership with the *Union Internationale des Avocats* (UIA), the Italian *Scuola Superiore dell'Avvocatura* (SSA), the *Association Internationale de Droit Pénal* (AIDP), the *International Criminal Justice Consortium* (ICJC), and the *Centre d'Etudes sur la Sécurité Internationale et les Coopérationes Européennes* (CESICE) is pleased to present the Specialisation Course on *Cases related to Financial Crime, Money Laundering, and Terrorism Financing: Patterns and Legal Issues*. The Course will be held in Siracusa, Italy between 17 and 19 July 2017 and conducted in English.

Over the past few decades, the phenomenon of globalisation has fundamentally changed the way people live and interact with the rest of the world. The rapid rate of technological innovation has led to unprecedented levels of information and cultural exchange, which removes many of the obstacles once presented by physical borders. Notwithstanding the considerable economic and social benefits of globalisation for many world citizens, this phenomenon has also led to a globalisation of crime and organised criminal groups. In addition to organised crime, terrorist groups have also benefited from these new means. Indeed, there are demonstrated links between transnational crimes such as the trafficking of human beings and drugs, money laundering and often, the financing of terrorism. The integrated global economy has presented new opportunities for criminality while the diversion of resources away from legal uses, which would otherwise have a positive impact on economies and societies, aggravate the markets stability and the development of any State.

To counter these phenomena, the international community has adopted an extensive range of international conventions, such as the UN Convention against Transnational Organised Crime (UNTOC) and its three supplementary Protocols, the UN Convention against Corruption

¹ **The Siracusa International Institute for Criminal Justice and Human Rights** is the new public name adopted by the *International Institute of Higher Studies in Criminal Sciences* (ISISC). A new name and logo, but the same core, longstanding values, vision and expertise: the global pursuit and promotion of criminal justice, human rights and the fight against transnational crime.

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(UNCAC), and the three major UN drug conventions. In addition, other international bodies play an important standard-setting role, including the Financial Action Task Force (FATF) that focuses on money laundering and terrorism financing. Defence lawyers, like others working in these fields, must be able to master all relevant instruments and related procedures in the context of complex investigations and prosecutions of financial crime, money laundering and terrorist financing.

The *Course* is designed for lawyers, in-house counsel, and international jurists appointed to defend clients in cases concerning so-called “dirty money”, whether these cases involve crimes under national or international law. It will explore data and facts, as well as new and emerging trends and geopolitical perspectives relating to the commission and combatting of international financial crimes, money laundering, and terrorism financing. The international legal framework will be detailed, including an analysis of relevant international and national regulations, and the roles and responsibilities of the international and national regulatory, enforcement, and supervisory bodies such as the International Monetary Fund (IMF), EUROJUST, or INTERPOL and EUROPOL. In addition, the *Course* will provide training in defence techniques, with particular attention given to the procedural aspects of international legal cooperation in criminal matters.

As well as acquiring skills and competences required for the active pursuit of defence rights at the international level, participants will have an invaluable opportunity to network with lawyers’ and bar associations.

To get the maximum benefit from the training program, it is of vital importance that participants remain in attendance for the duration of the training. A certificate of attendance will be issued to each participant who has met attendance and participation requirements at the end of the program. Where possible, arrangements will be made to have participants’ completion of the *Course* attendance counted towards the continuing legal education system (CLE) of their respective bar associations and law societies.

Participants are required to study reading materials that the Siracusa Institute will distribute in advance of the *Course*. In addition, participants are strongly advised to refresh their knowledge of their respective constitutions and national legislation on the subject matters of the *Course*, including in relation to criminal law and procedure, and laws on international cooperation in criminal matters such as mutual legal assistance.

We look forward to welcoming you in Siracusa!

Yours sincerely,



Jean-François Thony
President
The Siracusa International Institute for Criminal Justice and Human Rights



Syllabus

Defence Rights in Cases Related to Financial Crime, Money Laundering, and Terrorism Financing: Patterns and Legal Issues

Speakers:

- Anna Bradshaw, Of Counsel, Peters & Peters Solicitors LLP
- Andrea R. Castaldo, International Defence Counsel, Full Professor of Criminal Law
- Mariano Federici, President of Argentina's Financial Information Unit
- Sean Hagan, General Counsel and Director of the Legal Department at the International Monetary Fund (IMF)
- Carlos E. A. Japiassú, Associate Professor of Criminal Law, Secretary General of the *Association Internationale de Droit Pénal* (AIDP)
- François Moyses, Founder Partner, Moyses Bleser
- Jean-François Thony, President of the Siracusa Institute, Prosecutor General of the Court of Appeals of the Alsace Region
- John A.E. Vervaele, Prof. of Economic and European Criminal Law and Prof. of European Criminal Law, President of the *Association Internationale de Droit Pénal* (AIDP)

Arrival of participants 16 July, 2017

Day 1, 17 July 2017:

09.00 – 09.30 **OPENING CEREMONY**

Welcome by:

- *Jean-François Thony*, President of the Siracusa Institute, and *Andrea Chmieliński Bigazzi*, Programme Director

Guests of honour:

- *Sean Hagan*, General Counsel and Director of the Legal Department at the International Monetary Fund (IMF)

09.30 – 10.30 **SESSION 1: “FOLLOW THE MONEY”: THE GLOBAL FIGHT AGAINST DIRTY CAPITAL AND THE RIGHT TO DEFENCE**

Andrea R. Castaldo, Jean-François Thony

- Facts and figures on the various origins and uses of proceeds of crime, and their impact on social and economic progress
- Regulating financial and banking sectors
- Challenges in defending clients accused of financial crimes, money laundering, and terrorism financing

10.30 – 11.00 General discussion

11.00 – 11.30 Break

11.30 – 12.30 **SESSION 2: THE IMPACT OF CORRUPTION ON THE GLOBAL DEVELOPMENT AND ITS RELEVANCE FOR THE INTERNATIONAL MONETARY FUND**

Sean Hagan

- The IMF policies for the promotion of good governance and the combat of corruption
- The adoption and effective implementation of an AML / CFT framework in support of the fight against corruption
- The relationship between the IMF and parties' legal representatives

12.30 – 13.00 General discussion

13.00 – 14.30 Lunch break

14.30 – 15.30 **SESSION 3: INTERNATIONAL LEGAL FRAMEWORK RELATED TO THE FIGHT AGAINST FINANCIAL CRIMES, MONEY LAUNDERING, AND TERRORISM FINANCING**

*Mariano Federici; Carlos E. A. Japiassú; Anna Bradshaw;
François Moyse*

- International Law and Standards: United Nations conventions and instruments, FATF Recommendations, and EU AML Directives and measures proposed pursuant to the CTF Action Plan
- Adoption of International Law and Standards under national laws
- Legal challenges on fundamental rights

15.30 – 16.00 General discussion

16.00 – 16.30 Break

16.30 – 17.30 **SESSION 4: INTERNATIONAL AND NATIONAL AUTHORITIES REGULATING AND CONTROLLING THE FIGHT AGAINST FINANCIAL CRIMES, MONEY LAUNDERING, AND TERRORISM FINANCING**

*Mariano Federici; Carlos E. A. Japiassú; Anna Bradshaw;
François Moyse*

- International organisations and supervisory bodies:
- The United Nations Security Council Committee pursuant to Resolutions 1267(1999), 1989(2011), and 2253(2015) and the Procedures for Delisting
- Financial Action Task Force (FATF)
- Egmont Group of Financial Intelligence Units
- The EU autonomous Counter-Terrorism sanctions regime
- Role of lawyers in relation to these international organisations and national authorities

17.30 – 18.00 General discussion

Day 2, 18 July 2017:

09.00 – 10.00 **SESSION 5: THE IMPACT OF AML / CFT ENFORCEMENT ON THE WITHDRAWAL OF CORRESPONDENT BANKING RELATIONSHIPS –**

Sean Hagan

- Policies and standards related to the withdrawal of correspondent banking relationships
- Technical assistance to strengthen supervision, regulation, and AML / CFT
- The relationship between the IMF and parties' legal representatives

10.00 – 10.30 General discussion

10.30 – 11.00 Break

11.00 – 12.00 **SESSION 6: LEGAL COMPLIANCE WITH MODEL RULES AND INTERNATIONAL STANDARDS ON AML / CFT**

Mariano Federici; Carlos E. A. Japiassú; Anna Bradshaw; François Moyse

- Policies and international standards
- In-house counsel and compliance practices:
- Preventive regimes and the “taking of reasonable measures”
- Developing a threat and risk assessment
- Transparency v. disclosure obligations
- Record-keeping
- Reporting entities
- Supervision mechanisms
- Codes of conduct and compliance programs
- Methodologies for assessing compliance
- Effective cooperation between the private and public sectors

12.00 – 12.30 General discussion

12.30 – 14.00 Lunch break

14.00 – 15.00 **SESSION 7: NATIONAL AND INTERNATIONAL INVESTIGATIONS AGAINST FINANCIAL CRIMES, MONEY LAUNDERING, AND TERRORISM FINANCING –**

Mariano Federici

- Role and responsibilities of Financial Intelligence Units
- Conduct of investigations and law enforcement tools

15.00 – 15.30 General discussion

15.30 – 16.00 Break

16.00 – 17.00 **SESSION 8: INTERNATIONAL LEGAL ASSISTANCE IN AML / CFT RELATED CASES**

John A.E. Vervaele

- Common elements in the international legal framework and the role of agencies like EUROJUST, EUROPOL, and INTERPOL
- Concurrent jurisdiction
- Admissibility of evidence collected abroad
- *Ne bis in idem* principle
- Asset recovery
- Beneficial ownership
- Enforcement of judgments and sentences

17.00 – 17.30 General discussion

Day 3, 19 July 2017:

09.00 – 10.00 **SESSION 9: ORGANISING AN EFFECTIVE DEFENCE IN AML / CFT RELATED CASES**

Anna Bradshaw; François Moyse

- Organising a defence team for these kind of investigations especially in cases involving foreign clients
- Rights of victims and other parties resident in other States: the example of the EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

10.00 – 10.30 General discussion

10.30 – 11.00 Break

11.00 – 12.00 **SESSION 10: DEFENCE RIGHTS IN CASES RELATED TO FINANCIAL
CRIMES, MONEY LAUNDERING, AND TERRORISM FINANCING:
CONCLUSIONS AND CLOSING REMARKS**

*Sean Hagan; Mariano Federici; Carlos E. A. Japiassú; Anna
Bradshaw; François Moyse*

- Roundtable discussion and conclusions

12.00 – 12.30 Closing remarks

13.00 - Official Lunch at the Institute

Departure of participants