

Index

15 C.F.R. §§ 730–774 (Export Administration Regulations), 214

15 U.S.C. §78m (reports by issuer of security, contents), 119

18 U.S.C. § 1957, 190–195 (money laundering), 91–93

18 U.S.C. § 3292 (statute of limitations), 114, 395

19 U.S.C. § 1628 (Customs Mutual Assistance Agreements), 221

31 C.F.R. 103.18, SAR reports, 86

31 C.F.R. 103.23 (FinCEN Form 105), 87

31 U.S.C. § 5314, FinCEN Form 114 (formerly FBAR), 37, 88

31 U.S.C. 5311, Suspicious Activity Reports, 87

31 U.S.C. 5318, special due diligence for correspondent accounts and private banking, 75, 76, 79, 85

Administrative Office of the U.S. Courts, 500

Afghanistan, 2, 68, 356, 583

Ahmad v. Wigen, 910 F.2d 1063 (2d Cir. 1990), 443

Alvarez, José, 525

American Convention on Mutual Assistance in Criminal Matters, 58

Amnesty International, 8, 13, 353

Anti-Counterfeiting Trade Agreement, 3

Anti-Terrorism and Arms Export Amendments Act, 216

APEC Approves Counter-Terrorism and Anti-Corruption Enforcement Cooperation Measures, 669

Arms Export Control Act (AECA), 129, 215

Arnbjornsdottir-Mendler v. United States, 721 F.2d 679, 683 (9th Cir. 1983), 443

Assenov. v. Bulgaria. Eur. Ct.HJ.R. (ser. A) (1998), 639

asset forfeiture enforcement subregimes, 11

Attempts to Obstruct or Interfere with Administration of Tax Laws, 28

Australia Group, 212, 216, 234, 246, 251

Australian Institute of Criminology, 545

BAE Systems plc guilty plea, 129–130

Bank of New York, 22

Barclays Bank PLC

Deferred Prosecution Agreement, 229

Barreto v. Siefer, 389 F.3d 1307, 1088 (9th Cir.), *vacated as moot*, 389 F.3d 1307 (9th Cir. 2004), 443

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 260

Bassiouni, M. Cherif, 545

Belize, 266–267

Berlin Convention, 493

Berlin, Peter, 22

Birdsell v. United States, 346 F.2d 775, 782 (5th Cir. 1965), 384

Birkenfeld, Bradley, 26

Bischel v. United States, 61 F.3d 1429 (9th Cir. 1995), 395

Blacklisting, 4–5

Blackmer v. United States, 1932, 284 U.S. 421, 52 S. Ct. 252, 76 L. Ed. 375, 324, 336

Blocking laws, 289, 296, 306, 310

Bolivia, 208, 209, 494

Prisoner Transfer, 503

Bolton, John, 523

Bozano v. France, Ser. A, No. 111 (18 Dec. 1986), 9 EHRR 297 (1987), (2 Dec. 1991), 13 EHRR 428s (1991), 468

British Protection of Trading Interests Act, 217

Bruce Zagaris, i, iv, 2, 22, 23, 25, 27, 28, 41, 48, 50, 55, 56, 57, 58, 60, 61, 72, 78, 84, 85, 92, 96, 101, 104, 106, 115, 122, 129, 130, 132, 133, 142, 154, 156, 158, 159, 160, 174, 177, 178, 180, 199, 202, 204, 205, 222, 225, 230, 233, 260, 261, 262, 266, 269, 272, 276, 280, 297, 320, 346, 350, 355, 358, 360, 364, 379, 380, 388, 397, 407, 408, 409, 411, 412, 417, 418, 419, 420, 421, 423, 424, 438, 441, 478, 514, 519, 520, 556, 558, 563, 567, 570, 574, 583, 615, 643, 646, 648, 649, 651, 660, 661, 663, 665, 668, 669, 672

Burke, Anne M., 511

Burma sanctions, 229

Caban, Efran, 515
Canada
 Pasquantino case, 19–22
 Prison transfer, 499
 Royal Canadian Mounted Police, 624, 628
 Transfer of Offenders Act, 495
Caplin & Drysdale, Chartered v. United States, 491
 U.S. 617, 626 (1989), 93
Caracas Declaration, 543
Caribbean Basin Economic Recovery Act of 1983, 55
Caribbean Community (CARICOM), 665–666
 Association of Caribbean Commissioners of Police (ACCP), 668
 CARICOM Arrest Warrant Treaty, 665
 CARICOM Watchlist, 665
 Maritime and Airspace Agreement for CARICOM Member States, 666
Caribbean Community (CARICOM), 178
Case Concerning the Arrest Warrant of 11 April 2000 (D.R. Congo v. Belgium) I.C.J. Rep. 2002, 354
Charles Taylor, sanctions, 12, 213, 339, 354
chloroflourocarbon (CFC), 261
Chopra, Brijesh, 286
Chua Han Mow v. United States, 730 F.2d 1308 (1984), 327–329
Cigarette smuggling, 180
Civil Law Convention on Corruption (Council of Europe), 144–145
Civil Rights
 Prisoner Transfer, 499
Clinton administration, 11, 651, 660
Clinton, William J., 171–173
Coast Guard, 172, 271, 349, 350, 467
Code of Federal Regulations, 76, 86
Coker, James R., 495
Colombia
 Cali Cartel, 172, 441
 Fuerzas Armadas Revolucionarias de Colombia (FARC), 174–177
Commerce Control List, 225, 235
Competent Authority (in tax matters), 47
Comprehensive Crime Control Act of 1984, 18
 U.S.C. § 3292, 395
Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 523
Conspiracy to Engage in Tax Fraud, 26
Consular Convention, 355
Controlled deliveries, 5
Convention Against Corruption (OAS Inter-American), 138–142
Convention Against Corruption (United Nations), 156
 Asset Recovery, 152–153
 Cooperation, 153
 Corruption Measures, 149–150
 Monitoring, 153
 Preventive Measures, 151–152
 Private Sector, 150–151
 Public officials, 149
 Technical Assistance, 154
Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 4, 63, 89, 94, 522, 531, 626, 638
Convention against Transnational Organized Crime, 64, 89, 137, 149, 168, 182, 194, 196, 199, 204, 522
Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, 13
Convention on Combating Bribery of Foreign Officials in International Business Transactions, 134–138
 Foreign Officials, 136
 Intent and Knowledge, 136
 International Cooperation, 137
 Monitoring and Follow Up, 137
 Sanctions and Corporate Criminal Responsibility, 136
 Scope and Limitations, 138
 Transfer of Values, 136
Convention on Consular Relations (Vienna), 351
Convention on Customs and Neighbor Relations between France and Monaco, 484
Convention on Diplomatic Relations, 351
Convention on Extradition (Council of Europe), 71, 481, 493, 638
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 254–258
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Council of Europe), 4, 71, 637, 638
Convention on Mutual Assistance in Criminal Matters (Council of Europe), 71
Convention on Mutual Assistance in Tax Matters, 48–50
Convention on the Law of the Sea (U.N.), 193
Convention on the Protection of the Environment through Criminal Law (Council of Europe), 258
Convention on the Transfer of Persons Sentenced to Imprisonment for Enforcement on the Sanction in the State of their Nationality of 1978, 493
Convention on the Transfer of Sentenced Persons, 510, 638
Cook v. Tait, 265 U.S. 47, 53 (1924), 18
Council of Europe, 71–72, 202
 Council of Europe Conventions, 142–145
 European Committee on Crime Problems (CDPC), 637–638
Criminal Law Convention on Corruption, 144
Cuba sanctions, 230–234
Currency Transaction Report, 174

| | |
|---|---|
| cyberbanking, 7 | European Convention for the Protection of Human Rights and Fundamental Freedoms, 408 |
| Cyberfinancial products, 7 | state liability for failure to investigate, prosecute, and punish gross human rights violations and other crimes, 639 |
| Davis, Raymond, 355 | European Court of Justice, 646 |
| Death penalty, 440–441 | European Institute for Crime Prevention and Control, 544 |
| <i>Decision on Immunity</i> , May 31, 2004, Special Court for Sierra Leone, Case No. CSCL-2003–01, 354 | European Union |
| DePalm, Freddie, 515 | Criminal and Enforcement Cooperation, 639 |
| Diamonds and crime, 169, 524, 525, 550 | Environmental Crime, 261 |
| Doctors without Borders, 13 | Money Laundering, 71 |
| Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), 132, 289 | Organized Crime, 198 |
| Conflict mineral reporting, 294 | EU-U.S. Agreements on extradition and mutual assistance, 60 |
| Disclosure of foreign extraction payments, 290 | Evidence Gathering |
| Whistleblowers, 290 | Coercive means of obtaining evidence, 365–369 |
| <i>Doe v. United States</i> , 487 U.S. 201 (1988), 375–378 | Compelled consent, 375–378 |
| Downing, Kevin M., 31 | Constitutional issues concerning admissibility, 380–383 |
| Dragan Nikolic (ICTY) – Decision on Interlocutory Appeal Concerning Legality of Arrest (5 June 2003), 479 | Due Process, 370 |
| Drug trafficking, 71, 169, 197, 206, 207, 208, 209, 438, 441, 442, 451, 468, 522, 525, 544, 587, 595, 641, 645, 647, 651, 662 | Improper search and seizures, 368 |
| Due process, 19, 189, 280, 344, 361, 368, 370, 381, 383, 387, 448, 449, 453, 454, 455, 456, 459, 464, 465, 478, 510, 511, 514, 515, 572, 639, 651 | Joint venture doctrine, 384 |
| Earthwatch, 8 | Right against self-incrimination, 368 |
| Edwards, Lucy, 22 | The “silver platter” doctrine, 383 |
| Electronic Travel Document System (ETDS), 178 | Unilateral means, 365 |
| Emergency Economic Powers Enhancement Act (IEEPA Enhancement Act), 229 | Evidence gathering in tax matters |
| Endangered Species, 252, 254, 259, 266, 270, 272, 280, 282 | Compelling the repatriation of assets, 43 |
| Ergi v. Turkey, Eur. Ct.H.R. (Ser. A 1998), 639 | Evidence Gathering in tax matters |
| European Commission, 65, 79, 96, 101, 180, 199, 262, 396, 557, 624, 637, 638, 643, 645, 646 | John Doe Subpoenas, 43 |
| European Communities and the European Union, 639–648 | Subpoenas, 41–44 |
| Council Standing Committee on Internal Security, 644 | Executive Order 12, 324, 46 Fed. Reg. 48, 109 (1981), 349 |
| EU Trevi Ministers’ organized crime initiatives, 646 | Export Administration Act (EAA) (50 U.S.C. app. § 2401–2420), 214, 229 |
| Eurojust, 641–642 | Extradition, alternative to |
| European Arrest Warrant (EAW), 648 | Case of U.S. v. <i>Kenneth Walker</i> , 459–460 |
| European Justice and Home Affairs Council, 645 | Extradition, alternatives to |
| European police cooperation, 646 | Abduction, 459–480 |
| European Public Prosecutor’s Office, 642 | Abduction of Hassan Mustafa Osama Nasr, 478 |
| Exceptions and Opt-in/Opt-Outs, 644 | Case of U.S. v. <i>Hossein Alikhani</i> , 460–461 |
| Judicial Cooperation, 639–645 | International consensus against the practice of luring, 459–462 |
| Task Force for the Coordination of Fraud Prevention, 646 | Rendition, 446–453 |
| European Convention on the International Validity of Criminal Judgments, 492, 493, 494, 638 | The U.S. position, 453–459 |
| European Court of Human Rights, 638–639 | Extradition, and U.S. statutes |
| | 18 U.S.C. § 3187. Provisional Arrest and Detention within Extraterritorial Jurisdiction, 434 |
| | Extradition, and U.S. statutes |
| | 18 U.S.C. § 3181. Scope and Limitation of Chapter, 431 |
| | 18 U.S.C. § 3182. Fugitives from State or Territory to State, District, or Territory, 432 |
| | 18 U.S.C. § 3183. Fugitives from State, Territory, or Possession into Extraterritorial Jurisdiction of United States, 432 |

- Extradition, and U.S. statutes (*cont.*)
 - 18 U.S.C. § 3184. Fugitives from Foreign Country to United States, 433
 - 18 U.S.C. § 3185. Fugitives from Country under Control of United States into the United States, 433
 - 18 U.S.C. § 3186. Secretary of State to Surrender Fugitive, 434
 - 18 U.S.C. § 3188. Time of Commitment Pending Extradition, 435
 - 18 U.S.C. § 3189. Place and Character of Hearing, 435
 - 18 U.S.C. § 3190. Evidence on Hearing, 435
 - 18 U.S.C. § 3195. Payment of Fees and Costs, 435
 - Executive Agreement if authorized by statute may comply with treaty requirement, 436
 - Need for treaty, 436
 - Standing, 436
- Extradition, treaties
 - Extradition treaties using the list of offenses, 430–431
 - U.S.-Belize treaty, 424–430
- Extradition, when the U.S. is the requested state
 - 18 U.S.C. § 3181–91, 415
 - Hearing before a U.S. magistrate, 416
 - Writ of habeas corpus, 416
- Extradition, when the U.S. is the requesting state
 - “probable cause” hearings, 415
 - Extradition request for Christopher “Dudus” Coke from Jamaica, 423–424
 - Extradition request for Ian Norris from the U.S., 418–421
 - Extradition request for Jacob “Kobi” Alexander from Namibia, 421
 - Extradition request for Stanley Tollman from the U.S., 417–418
 - Extradition request for Victor Bout, 424
 - Rule of Non-Inquiry, 443–446
- Extra-territorial enforcement
 - Jurisdiction over foreign broker dealers, 285
- Federal Bureau of Prisons, 501, 502
- Federal wire fraud statute, 19
 - Marc Rich Case, 34–35
- Financial Action Task Force (FATF), 65–66
 - FATF-Style Regional Bodies (FSRBs), 70
 - Forty Recommendations, 64, 65, 67, 70, 247, 554, 555, 558
 - Initiative on Non-Compliant Countries and Territories (NCCTs), 246–249
 - Origin during 1989 Paris G7 Summit, 65
 - Terrorist Financial Recommendations, 66
- Financial intelligence units, 8, 69, 151, 410, 555, 556, 561, 563, 626
- Financial Stability Board, 5, 564
- Firmenich v. Argentina*, Inter-Amer. Cmn. H.R., Resolution 17/89, Report Case 10037 (13 Apr. 1989), Annual Report of the Inter-American Commission on Human Rights, OEA/Ser.L/V/II.76 (10 Sept. 1989), 651
- Foertsch, Volker, 181
- Ford v. United States*, 273 U.S. 593 (1927), 325–327
- Foreign Account Tax Compliance Act (FATCA), 37–40
 - FATCA IGAs, 39–40
 - Statement of Specified Foreign Financial Assets (IRS 8938), 38
- Foreign Corrupt Practices Act (FCPA), 107–134
 - Anti-bribery provisions, 107–118
 - Anything of Value, 110
 - Corrupt Intent, 111
 - Essential Elements, 109
 - Exceptions and Affirmative Defenses, 112
 - Falsification of books and records, 120
 - Foreign Officials, 110
 - Gifts, entertainment, and travel, 115
 - Jurisdiction, 109
 - Local Law, 113
 - Misrepresentations to auditors, 120
 - Obtain or Retain Business, 111
 - Opinion Procedure, 113
 - Payment, Offer, or Promise, 110
 - Public authority defense, 117
 - Recordkeeping Provisions, 119
 - Statute of Limitations, 114
 - Whistleblowing, 132
- Foreign Evidence Request Efficiency Act of 2009 (FEREA), 18 U.S.C. § 3512, 379, 396
- Foreign Government Diplomats, 351
- Foreign Narcotics Kingpin Designation Act, 215
- Free trade agreements, 2
 - North American Free Trade Agreement (NAFTA), 262, 651
- Friends of Nature, 8
- Fugitive Disentitlement Act, 360
- G20
 - FATF, 84
 - Noncooperative jurisdictions, 41
- G7, 203
 - The Financial Action Task Force, 65
- Gallina v. Fraser*, 278 F.2d 77, 78 (2d Cir. 1960), 443
- García Pérez v. Peru*, Inter-Amer. Cmr. H.R. Rept. No. 1/95, Case 11.006, Inter-Am. Cm. H.R. 71, OEA/Ser.L/V/II.88, Doc. 9 rev. (1995), 650, 651
- General Convention of Privileges and Immunities, 358
- Global governance, 12
- Gonsalves, Ralph, 287
- Gotsch, Victoria, 177
- Gray areas, 2
- Green, Pincus, 34
- Greenpeace, 8

| | |
|--|--|
| Greenstock, Jeremy, 525 | <i>In the Matter of the Extradition of Enrique Pimienta Huerta</i> , U.S. District Court, S.D. Texas, Houston Div., Memorandum and Order, 2010 WL 5388423 (S.D. Tex.), 417 |
| Guatemala | India |
| Alfonso Portillo, 84 | Bhopal Case, 278–281 |
| Belize Enforcement Action against Guatemalans Engaged in Logging Sparks, 266 | <i>Intel Corp. v. Advanced Micro Devices, Inc.</i> , 542 U.S. 241 (2004), 396 |
| habeas corpus, 226, 327, 415, 436, 440, 454, 464, 514, 515 | Inter-American Convention on Serving Criminal Sentences Abroad, 494 |
| Haiti, 111, 178, 323 | Inter-American Drug Abuse Control Commission (CICAD), 649 |
| Hemispheric Plan of Action against Transnational Organized Crime, 203 | Inter-American Human Rights System, 650–651 |
| Hijazi, Ali, 360–362 | Inter-company pricing, 291 |
| Hoegel, Jacqueline S., 286 | International Association of Chiefs of Police, 8, 13 |
| Hoegel, Kristi M., 286 | International Association of Penal Law, 545 |
| Hoover, Herbert, 169 | International Association of Prosecutors, 8 |
| Human Rights Watch, 8 | International Centre for Criminal Law Reform and Criminal Justice Policy, 545 |
| Hussein, Saddam, 218 | International Chamber of Commerce, 8, 49, 153, 159, 626 |
| I.R.C. § 6103(k)(6)(c), 48 | Corporate Responsibility, 159 |
| Illegal Immigration Reform and Immigrant Responsibility Act, 177 | International Committee of the Red Cross, 8 |
| Immigration and Customs Enforcement (ICE), 178, 220, 624 | International Consortium on Combating Wildlife Crime, 259 |
| Office of Detention and Removal (DRO), 178 | International Convention for the Suppression of the Financing of Terrorism, 63, 97 |
| Immunity of an International Organization and Its Diplomats, 358 | International Court of Justice, 7, 259, 267, 354, 661 |
| <i>In re Doherty</i> , 599 F. Supp. 270, 275 (S.D.N.Y. 1984), 443, 453 | International Crime Control Act of 1996 (ICCA), 173 |
| <i>In re Extradition of Cervantes Valles</i> , 268 F. Supp. 2d 758 (S.D. Tex. 2003), 439 | International Criminal Court (ICC), 254 |
| <i>In re Grand Jury Proceedings v. Bank of Nova Scotia</i> , 691 F. 2d 1384 (11 th Cir. 1982), 368 | International Emergency Economic Powers Act (IEEPA), 99, 172, 214 |
| <i>In re Letter Rogatory from Justice Court, Dist. of Montreal, Canada</i> , 523 F.2d 562 (6 th Cir. 1975), 395 | International Enforcement Networks, 9–14 |
| <i>In re Letters Rogatory Issued by Dir. of Insp. of Gov. of India</i> , 385 F.2d 1017 (2d Cir. 1967), 396 | International Enforcement Regimes, 8 |
| <i>In re Marsoner</i> , 40 F.3d 959 (9 th Cir. 1994), 379 | International financial enforcement subregime, 5 |
| <i>In re Request from Ministry of Legal Affairs of Trinidad and Tobago</i> , 848 F.2d 1151 (11 th Cir. 1988), 396 | International Institute of Higher Studies in Criminal Sciences, 545 |
| <i>In re Ruiz-Massieu</i> , Interim Decision No. 3400 (B.I.A., June 10, 1999), 452 | International Intellectual Property Association, 3 |
| <i>In Re: Commissioner's Subpoenas</i> , 325 F.3d 1287 (11 th Cir. 2003), 409 | International Monetary Fund, 5, 62, 66–69, 162, 181, 249, 388, 549, 550, 553, 558, 561, 584, 627 |
| <i>In the Matter of Bristow Group, Inc., Exchange Act Release</i> 56533 (September 26, 2007), 112 | International Organization for Migration (IOM), 178, 181 |
| In the matter of Ian Norris (2007) EWHC 71 (Admin) (2007) IWR 1730, 418 | International Organization of Securities Commissions (IOSCO), 283, 301, 303, 627 |
| <i>In the Matter of the Administration of Justice (Prerogative Writs) Act 1978 and in the Matter of the U.S.A.-Bermuda Tax Convention Act, 1986 and In the Matter of an Application by Almon Glen Braswell, Gero Vita International, Inc. and G.B. Data Systems Inc.</i> (hereafter <i>Braswell</i>), in the Supreme Court of Bermuda, Civil Jurisdiction No. 59 of 2000, May 18, 2001, 408 | General principles regarding mutual assistance and the exchange of information, 309 |
| | IOSCO objectives and principles for securities regulation, 313 |
| | Membership Categories and Criteria, 304 |
| | Model MOUs concerning consultation and cooperation and exchange of information, 309 |
| | Resolution concerning transnational securities and futures fraud, 308 |
| | Resolution on enforcement powers, 309 |
| | Resolution on Mutual Assistance, 307 |
| | International Prisoner Transfer Program, 499, 520 |

International Securities Enforcement Cooperation
 Act of 1990 (ISECA), 298
 Access to information in the SEC’s files,
 299
 confidentiality of information, 300
 Public information, 300
International Security and Development
 Cooperation Act of 1980, 216
International Tax and Investment Organization
 (ITIO), 40
Internet gaming, 7, 414
INTERPOL, 586
 Constitution of . . . , 588
 Environmental crime, 259–261, 268
 government networks, 11, 13
 organized crime, 154, 174, 181
Iran, 65, 215, 216, 217, 224, 229, 230, 233, 237,
 250
Iraq Sanctions Act of 1990, 215
IRC § 274(h)(6)(C), 46
IRS Notice 2004–45 on Meritless Filing Position,
 29
Italian-American Working Group, 180
Italy
 Organized crime, 205
 Transnational organized crime legislation, 5
 U.S.-Italian MLAT, 180

Jeopardy assessment, 35, 43
Johnston, Lynne Waage, 288
Joint International Tax Shelter Information Center
 (JITSIC), 32
Jurisdiction to Adjudicate Criminal Law, 344
Jurisdiction to Enforce Criminal Law, 346
Jurisdiction to Prescribe, 321–343
 Bases of Jurisdiction to Prescribe, 322
 Extraterritorial conspiracy, 329
 Objective Territoriality, 328–330
 Subjective territoriality, 322
 The Territorial Principle, 322
Justice Prisoner and Alien Transportation System
 (JPATs), 178

Kamrin v. United States, 725 F.2d 1225, 1227–28
 (9th Cir. 1984), 443
Kapok Management case, 34
Katse Dam Project, Lesotho
 Highland Water Commission, 154–156
Kawakita v. United States, 343 U.S. 717 (1952),
 337
Keohane, Robert, 13
Kleptocracy Asset Recovery Initiative, 133
KPMG International, 287
KPMG, superseding indictment of 19 individuals,
 30–31
Krasner, Stephen, 8
Kuehne, Benjamin, 22, 92–93

La Pierre, Wayne, 523
Lacey Act, 272–278
Law Enforcement Strategy to Combat International
 Crime, 179
Letters Rogatory, 386–389
Libby, Lewis, 35
Limitations on Jurisdiction to Prescribe, 340
 Constitutional Limitations, 340
 Draft European Convention on Conflicts of
 Jurisdiction in Criminal Matters, 342
 Limitations imposed by “blocking statutes”, 343
 Limitations imposed by international agreements,
 342
 Limitations of Reasonableness, 341
Lindsey Manufacturing, 132
Lloyds Bank
 economic sanctions, 230
Lupsha, Peter A., 181

Martin, Richard A., 181
Massieu v. Reno, 91 F.3d 416 (3d Cir. 1996), *cert.*
 denied, 527 U.S. 1023 (1999), 452
Mechanisms for Information Sharing in Securities
 Enforcement Matters, 300
Melendez, Felix, 515
Melzer, Clyde, 34
Mexico
 Ley Federal Contra la Delincuencia Organizada
 (LFDO), 206
 Organized Crime, 206–207
 Strategy to Combat Criminal Gangs from Central
 America, Mexico, and the United States, 178
Millennium Bank, 286–287
Missile Technology Control Regime, 212, 216, 235,
 245, 251
Model Agreement on Exchange of Information in
 Tax Matters (OECD), 50–52
Model Treaty for the Prevention of Crimes That
 Infringe on the Cultural Heritage of Peoples in
 the Form of Movable Property, 543
Model Treaty on Extradition, 543
Model Treaty on Mutual Assistance in Criminal
 Matters, 543
Model Treaty on the Transfer of Proceedings in
 Criminal Matters, 543
Model Treaty on the Transfer of Supervision of
 Offenders Conditionally Sentenced or
 Conditionally Released, 543
Money Laundering, 62
 American Bar Association policies, 78
 Balloon effect principle, 74
 Canada and the Federation of Law Society of
 Canada (FLSC) litigation, 76–77
 Correspondent Accounts, 85
 Currency Transaction Reports (CTRs) (IRS Form
 4789), 87
 Customer Due Diligence and Recordkeeping, 79

| | |
|--|--|
| Index | 681 |
| Designated Nonfinancial Businesses and Professionals, 74 | Nye, Joseph, 13 |
| Life-Cycle of Money Laundering, 73 | Objective territoriality, 322 |
| Overriding Bank Secrecy, 79 | O'Connor, Reed (judge), 287 |
| Politically Exposed Persons (PEPs), 83 | Office of Foreign Assets Control, 100, 214, 215, 220, 229, 251 |
| Requirement to Criminalize, 89 | Foreign Terrorist Organizations Regulations, 100 |
| Suspicious activity report requirements, 86 | Offshore Credit Card Project (OCCP), 33 |
| Transparency of Legal Persons and Arrangements, 94 | Offshore financial centers, 5, 55, 67, 68, 557, 560, 562 |
| USA PATRIOT Act, 75 | Offshore Tax Shelters, 29 |
| Montreal Protocol on Substances that Deplete the Ozone Layer, 260, 281 | Offshore Voluntary Compliance Initiative (OVCI), 33 |
| <i>Morrison v. National Austral Bank</i> , 130 S. Ct. 2869, 561 U.S. (2010), 285 | Ohr, Bruce G., 180 |
| Motion Picture Society of America, 3 | Okula, Stanley J., 31 |
| Mukasey, Michael B., 179 | Organization of American States |
| <i>Mumaf v. Geren</i> , 553 U.S. 674 (2008), 443 | Convention on the Transfer of Prisoners, 493 |
| Murphy, John, 526 | Criminal enforcement cooperation, 649 |
| Mutual Assistance in Criminal Matters Treaties, 397 | Inter-American Convention on Serving Criminal Sentences Abroad, 494 |
| Case-Specific Agreements, 411 | Transnational Organized Crime, 202 |
| Central Authority, 398 | Organization of American States (OAS), 72 |
| Denial of an MLAT request for abuse of process, 408 | Organization of Economic Cooperation and Development (OECD), 5, 40, 262 |
| Dual criminality, 405–406 | Blacklists, 41 |
| Efforts of defendants and third parties to use MLATs, 409 | Countermeasures, 40 |
| Inter-American Convention on Mutual Assistance in Criminal Matters, 406 | Global Forum on Transparency and Exchange of Information for Tax Purposes, 40 |
| International Best Practices, 410 | Harmful tax competition initiative, 5 |
| Mini-MLATs, 409 | Level playing field, 40 |
| MLAT with Russia, 398–405 | OECD tax transparency initiative, 10 |
| Multilateral conventions with MLAT provisions, 407 | Tax havens, 5, 14, 41, 565 |
| Mutual assistance in the Commonwealth, 410 | O'Shea, John, 132 |
| Regional conventions on mutual assistance, 406 | |
| U.S. constitutional rights and mutual assistance, 409 | Pakistan, 355–356 |
| | Pan Am Flight 103, 213 |
| National Justice Environmental Council (NEJAC), 265 | Panama-US TIEA, 56 |
| National Rifle Association, 523 | Parole Commission, 500 |
| Nationality (or Active Personality) Principle, 335 | <i>Pasquantino et al. v. United States</i> , 544 U.S. 349 (2005), 19, 22, 291 |
| ne bis in idem, 330, 331, 343, 648 | Passive Personality Principle, 338 |
| Neiman, Shirah, 31 | Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, 338 |
| Nongovernmental Organizations, 8 | Omnibus Diplomatic Security and Antiterrorism Act of 1986, 18 U.S.C. § 2231, 338 |
| Noriega, Manuel, 84 | Philip Morris, 180 |
| North American Development Bank, 263, 264 | Philippe Angeloni, 286 |
| North American Free Trade Agreement, 262, 651 | Portillo, Alfonso (president), 84 |
| Border Environment Cooperation Commission (BECC), 263 | Posse Comitatus Act, 349 |
| Commission on Environmental Cooperation, 263 | Presidential Decision Directive, 171 |
| Intellectual Property provisions, 651–665 | Pretelt, Sabas, 176 |
| North American Agreement on Environmental Cooperation, 263 | Privacy Act, 47, 502, 513 |
| North American Treaty Organization (NATO) | Probation Service, 502 |
| Status of forces agreements, 494 | Protective Principle, 331 |
| Nuclear Suppliers Group, 235 | Qualified Intermediary (QI) Agreement, 26 |

R. J. Reynolds, 180
Rachel, Arthur, 510
Racketeer Influenced and Corrupt Organizations (RICO) Act, 35, 170
Rainforest Alliance, 8
Reciprocity, 234, 423, 495, 614
Prisoner Transfer, 495
Regina v. Bow Street Metropolitan Stipendiary Magistrate and Others, Ex Parte Pinochet Ugarte (No. 3), House of Lords [2000] 1 App. Cas. 147, [1999] 2 All E.R. 97, 353
Regulation of Activities Aboard Vessels or Aircraft, 340
Representation Principle, 339
Rich, Marc, 34–35
Rio Tinto Zinc Corp. v. Westinghouse Electric Corp., [1978] A.C. 547, 616, 629–31, 639–40, 650 (H.L.), 369
Rosado, Pedro, 514
Rostow, Nicholas, 526
Ruiz Massieu v. Reno, 915 F. Supp. 681 (D. N.J. 1996), 447

Sarasin Bank
economic sanctions, 230
Scalise, Joseph, 510
SEC v. Banca Della Svizzera Italiana, 92 F.R.D. 111, 117–18 (S.D.N.Y. 1981), 374
SEC v. Lorin, 869 F. Spp. 1117 (S.D.N.Y. 1994), 117
SEC v. Millennium Bank et al, U.S. Dist. Ct. for the N.D. Texas, Wichita Falls Div., Case No. 7: 09-CV-050-O., 286
SEC v. Rind, 991 F.2d 1486 (9th Cir. 1993), 117
SEC v. Thomas W. Jones and Lewis E. Daidone, No. 05-7044 (S.D.N.Y. Feb. 26, 2007), 117
SEC v. Toomey, 866 F. Supp. 719 (S.D.N.Y. 1992), 117
SEC v. Williams, 884 F. Supp. 28 (D. Mass 1995), 117
Securities and Exchange Commission and Parmalat Finanziaria S.p.A., consent agreement, 285
Sentencing Guidelines, 23, 116, 123, 502
Sentencing Reform Act of 1984, 504
Sierra Leone, 12, 169, 197, 354, 523
Revolutionary United Fund (RUF), 169
Sierra, Bryan, 175
Single European Market, 12
Slaughter, Anne-Marie, 10
Small Offshore Financial Centers (SOFCs), 55
Smith, David, 297
Soering v. Deeds, 255 Va. 457, 499 S.E.2d 514 (1998), 440
Soering v. United Kingdom, E.C.H.R., 161 Eur. Ct. H.R. (Ser.A)(1989), 11 E.H.R.R. 439 (1989), 639
Soft law, 4, 8, 73, 128, 247, 583
Soviet Union, 217, 230, 231, 233, 397, 560

Spain, 39, 58, 162, 235, 236, 238, 353, 363, 398, 452, 483, 484, 492, 596, 597
St. Vincent and the Grenadines International Financial Services Authority (IFSA), 287
State Responses to Unilateral Extraterritorial Export Control Enforcement, 230
State v. Makwanyane, 1995 (3) SALR 391 (CC), 441
Strategy to Combat Criminal Gangs from Central America, Mexico, and the United States, 178
Suárez Rosero v. Ecuador, Inter-Am. Ct. H.R., Judgment of 12 Nov. 1997), 651
Sudan, 157, 215, 216, 229, 230, 570
Swiss Financial Market Supervisory Authority (FINMA), 25, 27
Switzerland, 26, 27, 28, 39, 49, 57, 59, 114, 130, 173, 208, 235, 236, 238, 286, 287, 303, 346, 369, 374, 389, 390, 391, 393, 395, 406, 409, 411, 461, 468, 492, 495, 557, 565
Case involving former Egyptian President Hosni Mubarak, 160
Case involving former Ivory Coast president Laurent Gbagbo, 160
Case involving former Tunisian President Ben Ali, 160
U.S.-Switzerland tax treaty, 26
Syria
Sanctions, 216, 217

Tax Evasion, IRC § 7201 (26 U.S.C. § 7201), 24–25
Tax Fraud, 26 U.S.C. § 7206, 24
Tax information
Simultaneous Criminal Investigation Program, 47
Spontaneous Exchanges of Information, 47
Tax information exchange agreements, 40
Tax Reporting, 36–40
26 U.S.C. § 6038A. Information with Respect to Certain Foreign-Owned Corporations, 36
31 U.S.C. § 5314, 37
31 U.S.C. § 5322, 37
Thailand, 131, 384, 424, 494, 503, 571, 577, 670
Prisoner Transfer, 494
U.S.-Thailand Treaty (prison transfer), 503
The Netherlands v. Short, 29 I.L.M. 1375 (1990), 441
Torture Declaration, 543
Trade in Related Intellectual Property Services (TRIPS), 3
Trading with the Enemy Act, 215, 336, 370
Transfer of Offenders to and From Foreign Countries Act, 511
Transgovernmental Activities, 13
Transparency International, 11, 13, 157, 158, 160, 161, 164, 166, 570, 578
Transparency International France, SHERPA Association case against African heads of Bongo Ondima, Omar, 160–161
Obiang Mbasogo, Teodoro, 160–161

State, 160–161
Wassou Nguesso, Denis, 160–161
Trilateral Committee for Wildlife and Ecosystem
Conservation and Management, 266
Tri-West Investment Club, 288, 297
Truman, Harry, 529

U.S. Constitution
Extradition, 439
Limitations on jurisdiction to prescribe, 340
Mutual assistance, 409
Presumption of innocence, 128
U.S. Munitions List (USML), 215
U.S. v. Bennett, 232 U.S. 299, 306 (1914), 19
U.S. v. Ghidoni, 732 F.2d 814 (11th Cir. 1984), 378
U.S. v. Giffen, 473 F.2d 30 (2nd Cir. 2007), 117
U.S. v. Gloria Florez Velez et al., 22
*U.S. v. Hansruedi Shumacher and Matthias
Rickenback*, 27
U.S. v. Kay, 359 F.3d 738 (5th Cir. 2004), affirmed,
513 F.3d 423 (5th Cir. 2007), rehearing denied
by 513 F.3d 461 (5th Cir. 2008), 111
U.S. v. Kozeny, 493 F. Supp. 2d 518 (S.D.N.Y.),
2008 US. App. LEXIS 18523 (Aug. 29, 2008),
114
U.S. v. Miller, 830 F.2d 1073 (9th Cir. 1987), 114
U.S. v. Nanne Hogendoorn, U.S. District Court for
the District of Alaska, Case No. A98–0087-CR
(JKS), Transcript of Proceedings, Status
Conference, July 15, 1999, 409
U.S. v. Schneider, 2202BCSC1014 (July 5, 2002),
408
U.S.-Switzerland Double Tax Treaty, 26
UBS deferred prosecution, 25–28
Code of Business Conduct and Ethics, 27
UN General Assembly, 11, 151, 180, 352, 521, 526,
531
Constitution of INTERPOL, 589
General Assembly Resolutions, 531
UN Model Agreement on the Transfer of Prisoners,
494
Undercover Operations, 225–230
United Kingdom
Colonial Prisoners Removal Acts of 1869 and
1884, 484
Theft Act of 1968, 510
United Nations, 260, 521
African Regional Institute for the Prevention of
Crime and the Treatment of Offenders
(UNAFRI), 544
Code of Conduct for Law Enforcement Officials,
543
Commission on Crime Prevention and Criminal
Justice, 197, 539
Committee on Crime Prevention and Control,
494, 533, 536, 539, 543, 546
Conference on the Illicit Trade in Small Arms
and Light Weapons in All Its Aspects, 523
Congresses on the prevention of crime and the
treatment of offenders, 532, 533, 534, 537, 539,
540
Convention Against Corruption, 146–156
Convention on Transnational Organized Crime
(Palermo), 5, 79, 182, 194
Counterterrorism Committee (CTC), 525
Crime Prevention and Criminal Justice Program,
531–544
General Assembly, 589–595
Global Crime and Criminal Justice Information
Network, 537, 540, 542
International Drug Control Program (UNDCP),
182
International Narcotics Control Board (INCB),
182
Latin American Institute for the Prevention of
Crime and the Treatment of Offenders
(ILANUD), 544
Model Agreement on the Transfer of Prisoners,
494
Model Legislation on Laundering, Confiscation,
and International Cooperation in Relation to
the Proceeds of Crime, 64
Model Money-Laundering, Proceeds of Crime
and Terrorist Financing Bill, 64
Money Laundering and Counterterrorism
Financial Enforcement, 63–64
Office of Drugs and Crime, 268, 531, 544
Secretary-General’s High-Level Report on
Threats, Challenges, and Change, 527
Security Council Resolution (UNSCR) 1214 of
December 8, 1998, 99
Security Council Resolution 1267 of October 15,
1999, 99
Security Council Resolution 1333 of December
19, 2000, 99
Security Council Resolution 1363 of July 30,
2001, 99
Standard Minimum Rules for the Treatment of
Prisoners, 543
Statement of Principles, 532–533
Terrorism Prevention Branch, 526
Torture Declaration, 543
Transnational organized crime, 182–192
Trust Fund for Social Defence, 542
United Nations Environment Program (UNEP),
260
United Nations Oil for Food Program, 122
United States
Department of Agriculture’s Animal Plant Health
Inspection Service (APHIS), 274
Department of Homeland Security, 11, 178, 220,
223, 251, 274
Department of Homeland Security, Customs
Exodus Command Center, 221
Department of Homeland Security, Customs
Export Coordination Enforcement Center, 224

United States (*cont.*)
 Department of Homeland Security, Customs
 Fines and Penalties, 221
 Department of Homeland Security, Customs
 Mutual Assistance Agreements, 221
 Department of Homeland Security, Customs
 Undercover Sting Operations, 225
 Department of Homeland Security, Missile
 Technology Control Regime (MTCR), 235
 Department of Justice, Environmental Crimes
 Section (ECS), 270
 Department of State, 11, 130, 173, 178, 207, 214,
 215, 216, 251, 271, 281, 356, 388, 414, 426,
 466, 502, 660, 661, 671
 Department of State, Directorate of Defense
 Trade Controls, 214
 Department of State, International Traffic in Arms
 Regulations (ITAR), 215
 Department of Treasury, Office of Foreign Assets
 Control, 215
 National Security Council, 2, 169, 172, 248, 671
United States Model Income Tax Convention,
 44–45
United States v. Alvarez Machain, 112 S.Ct. 2188
 (1992), 660
United States v. Balsys, 524 U.S. 666 (1998), 383
United States v. Bank of Nova Scotia, 289, 374
United States v. Barona, 56 F.3d 1087, 1091 (9th
 Cir., 1995), 383
United States v. Behety, 32 F.3d 503, 510 (11th Cir.
 1994), 384
United States v. Bin Laden, 126 F. Supp.2d 264
 (S.D.N.Y. 2000), 385
United States v. Bowman, 260 U.S. 94 (1922),
 331–335
United States v. First National Bank of Chicago, 699
 F.2d 341 (7th Cir. 1983), 373
United States v. Hawkins, 661 F.2d 436 (5th Cir.
 1981), 384
United States v. Heller, 625 F.2d–600 (5th Cir.
 1980), 251, 254, 384
United States v. Jerry D. Mitchell, 533 F.2d 996
 (5th Cir. 1977), 323
United States v. Joaquin Mario Velancia-Trujillo,
 U.S. Dist. Ct., M.D.Fla., Tampa Div., Case
 No. 02 CR-329-T-17EAJ, 3, 441
United States v. Marc Rich et al., 34
United States v. Neil A. Smith, 2001 WL 823700
 (S.D.N.Y. July 16, 2001), 384
United States v. Noriega, 117 F.3d 1206 (11th Cir.
 1997), 354, 476
United States v. Puentes, 50 F.3d 1567 (11th Cir.
 1995), 436
United States v. Reed, 639 F.2d 896 (2d Cir. 1981),
 459
United States v. Rosenthal, 93 F.2d 1214, 1231 (11th
 Cir. 1986), 383
United States v. Stein, 2d Cir. 2005, 33
United States v. Toscanino, 500 F.2d 267 (2d Cir.
 1974), 456
United States v. UBS AG, U.S. District Court, S.D.
 Florida, No. 09-cv-20423, i, 25
United States v. Usama Bin Laden, et al., 132 F.
 Supp.2d 168 (S.D.N.Y. 2001), 384
United States v. Verdugo-Urquidez, 494 U.S. 259
 (1990), 380
United States v. Vetco Inc., 691 F.2d 1281, 1289 (9th
 Cir. 1981), 374
United States v. Wheeler, 66 F.3d 340 (11th Cir.
 1995), 226–227
United States v. Wilson, 732 F.2d 404, 411 (5th
 Cir.), *cert. denied*, 469 U.S. 1099 (1984), 457
United States v. Yunis, 681 F. Supp. 909 (D.D.C.
 1988), *rev'd on other gds.*, 859 F.2d 953 (D.C.
 Cir. 1988), 453
United States Virgin Islands (USVI), 29
United Trust of Switzerland, 286, 287
Universal Jurisdiction, 339
 Charles Taylor, 339
 Delicta juris gentium, 339
Valderama, Nayibe Rojas, 177
Value-added taxes (VAT), 31
Velásquez Rodríguez v. Honduras, Inter-Am. Ct.
 H.R., Ser.C No. 4 (Judgment of July 29, 1988),
 650
Velez, Raymond, 515
Waage, Alyn Richard, 288
Wassenaar Arrangement, 212, 216, 236, 237, 238,
 245, 246, 251
Webb, James Michael, 288
Weddle, Justin, 31
Weil, Raoul, 26
Western Hemisphere and Economic Cooperation,
 649–668
 Inter-American Judicial Committee (IAJC),
 649
Western Hemisphere and Economic Cooperation
 Reunión Extraordinaria de los Ministros de
 Justicia de las Américas (REMJA), 649–650
White, Phillip T., 511
Wiretapping, 5, 206, 280
Wise, William J., 286
World Bank, 548
 Analysis of the Hawala System, 563
 Anti-corruption activities, 156–157
 Article IV Consultations, 561–563
 Asian Development Bank, 558–559
 Chad loan disbursements, 156–157
 Cross-debarment for corruption, 158–159
 Financial Stability Board (FSB), 564–566
 Governability, 553
 International Finance Corporation (IFC), 549
 Justice Reform, 551
 Money laundering and terrorist financing, 563

| | |
|---|---|
| Money Laundering, 553–564 | Transnational Corruption, and former World Bank Counsel Ibrahim Shiharta and approach to anti-corruption, 578 |
| The Global Dialogue Series, 554 | Transnational Corruption, and IMF/Netherland Program Legal and Judicial Reform in Indonesia, 577 |
| Money laundering and building institutional capacity, 556 | Transnational Corruption, and Programs to Ensure Proper Procurement Regulations to Minimize Corruption, 571 |
| Money laundering and Coordination of Technical Assistance, 559 | Transnational Corruption, and Publication of Evaluation and Suspension Officers (EOs) Determination, 574 |
| Money laundering and counterterrorism conditionalities in IMF loans, 562 | Transnational Corruption, and Publication of Law Digests and Sanction Board Decisions, 574 |
| Money laundering and Country Assistance Strategy (CAS), 555 | Transnational Corruption, and Technical Assistance, 576 |
| Money laundering and Delivery of Technical Assistance to Individual Countries, 556 | Transnational Corruption, and The IMF’s Approach to Promoting Good Governance and Combating Corruption, 567 |
| Money laundering and Developing a Universal AML/CFT Assessment Methodology, 555 | Transnational Corruption, and the Oversight Committee on Fraud and Corruption, 567 |
| Money laundering and FATF blacklisting, 562 | Transnational Corruption, and Using Noncriminal Laws to Combat Corruption, 576 |
| Money laundering and Reference Guides, 564 | Transnational Corruption, and Voluntary Compliance, 574 |
| Money laundering and Reports on the Observance of Standards and Codes, 555 | Transnational Corruption, and Wolfensohn’s “cancer of corruption” speech, 566 |
| Money laundering and Research and Analysis, 563 | Transnational Corruption, Chad Agreement on July 14, 2006 on use of oil revenue, 570 |
| Money laundering and Surveillance, 560 | Transnational Corruption, Enforcement and Sanctions: Suspension, Debarment, Blacklisting, 571 |
| Regime and Institution Building, 579 | World Customs Organization, 181, 257, 268, 619, 624, 627 |
| Regime and Institution building, Policy Dimensions, 580, 581 | X. & Y. v. <i>The Netherlands</i> , 91 Eur. Ct. H.R. (Ser. A) (1985), 8 E.H.R.R. 235 (1986), 639 |
| Regime and Institution Building, providing information, 580 | Yemen, 2, 103 |
| Regime and Institution Building, Technical Assistance, 583 | Yugoslavia, 12, 217, 523, 525, 648 |
| Support for the rule of law, 553 | |
| Transnational Corruption, 566–579 | |
| Transnational Corruption and Enforcing Income and Asset Declaration Laws, 576 | |
| Transnational Corruption and former World Bank President Paul Wolfowitz’s resignation over anti-corruption, 578 | |
| Transnational Corruption and the Department of Institutional Integrity, 567 | |